## SENATE.

THURSDAY, *June 14, 1906.*

Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York, offered the following prayer:

*Let the people praise Thee, O God; let all the people praise Thee.*

*Then shall the earth yield her increase; and God, and even our own God, shall bless us.*

*God shall bless us; and all the ends of the earth shall fear Him.*

Let us pray.

O God of nations, who setteth up one and putteth down another, most heartily we thank Thee for Thy good providence toward us and our fathers. We bless Thee for the foundation of this Republic on principles of truth and humanity. We call to remembrance the illustrious founders of our constitutional liberty and all others who by life or death have served and suffered for the welfare of the State.

Inasmuch as on this day, by common consent, the flag of the United States is honored and exalted among the people, we beseech Thee to protect and sanctify that flag forever by the sure defenses of righteousness. Give unto us and to our children the spirit of reverence and obedience. Let integrity and uprightness preserve us. Cleanse the nation from whatsoever defileth or maketh ashamed. Ennoble all citizens with the purpose of goodness, to the end that throughout all the world the flag of the United States may be a symbol of honor, of brotherhood, of peace.

We pray for the President and Vice-President, for all counselors, legislators, judges, ambassadors, and ministers of state, for the Army and Navy. Especially we pray for the Senate this day assembled, that it may be true in purpose, wise in counsel, resolute in action, deserving and receiving the gratitude of the people and the continual favor of God.

This we ask in the name of our Lord Jesus Christ. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### SENATOR FROM KANSAS.

Mr. LONG. Mr. President, I present the credentials of Hon. Alfred Washburn Benson, of Kansas, appointed by the governor of that State to fill the vacancy caused by the resignation of Senator Burton. I ask that the credentials may be read, and that the oath of office may be administered to my colleague.

The VICE-PRESIDENT. The Secretary will read the credentials presented by the Senator from Kansas.

The Secretary read the credentials, as follows:

Hon. CHARLES WARREN FAIRBANKS,
*Vice-President of the United States and Ex-Officio President of the Senate of the United States, Washington, D. C.:*

Know ye that I, E. W. Hoch, governor of the State of Kansas, reposing special trust and confidence in the integrity, patriotism, and abilities of Alfred Washburn Benson, on behalf and in the name of the State, do hereby appoint and commission him a Senator in the Congress of the United States, from the State of Kansas, to fill vacancy caused by the resignation of Hon. Joseph R. Burton until the next meeting of the legislature of this State, and until a successor has been elected and qualified, and empower him to discharge the duties of said office according to law.

In testimony whereof I have hereunto subscribed my name and caused to be affixed the great seal of the State.

Done at Topeka, Kans., this 11th day of June, A. D. 1906.

[SEAL.] E. W. HOCH, *Governor.*

By the governor:

J. R. BURROW,
*Secretary of State.*

Mr. BURROWS. Mr. President, it will be observed that the certificate is not in proper form. I call attention to the fact that by it the governor appoints not only to the vacancy until the next meeting of the legislature, but until the legislature shall elect. Under that certificate, if valid, and the legislature should fail to elect, Mr. Benson might hold for life. But the certificate nevertheless, I think, is sufficient, as that portion of it which assumes to supply the vacancy "until the legislature shall elect" can be regarded as surplusage.

The VICE-PRESIDENT. The credentials will be filed. The Senator appointed will present himself at the desk and take the oath prescribed by law.

Mr. Benson was escorted to the Vice-President's desk by Mr. LONG, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

### FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James M. Price, sole heir and legatee of Thomas J. Price, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### CREDENTIALS.

Mr. ALLEE presented the credentials of Henry A. Du Pont, chosen by the legislature of the State of Delaware a Senator from that State for the unexpired term ending March 3, 1911; which were read and ordered to be filed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces; and

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9813) granting a pension to Harriet P. Sanders.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Philadelphia Sabbath Association, of Philadelphia, Pa., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Women's American Club of Salt Lake City, Utah, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

Mr. SPOONER presented a petition of sundry citizens of Norris, Wis., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. PENROSE presented a petition of sundry citizens of New Wilmington, Pa., and a petition of sundry citizens of McConnellsburg, Pa., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Indian Association of Bethlehem, Pa., praying for the enactment of legislation for the relief of the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Woman's Missionary Society of Florence, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. KNOX presented memorials of Lodge No. 218, Brotherhood of Trainmen, of Connellsville; Lodge No. 235, Brotherhood of Firemen, of Pittsburg; Lodge No. 244, Brotherhood of Trainmen, of Glenwood; Division No. 187, Order of Railway Conductors, of Sunbury; General Committee of Adjustment, Pennsylvania lines west of Pittsburg, of New Castle, all in the State of Pennsylvania, remonstrating against the adoption of an amendment to the rate bill prohibiting passes to railroad employees and members of their families; which were ordered to lie on the table.

### REPORTS OF COMMITTEES.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 13456) for the relief of James McKenzie, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 8428) to regulate the construction of dams across navigable waters, reported it without amendment.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 6209) authorizing certain changes in the permanent system of highways in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (S. 2951) for the relief of John Scott, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 14928) for the relief of F. V. Walker, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands,

to whom was referred the bill (S. 4284) granting to the State of Wisconsin the residue of unappropriated and unreserved public lands within said State as an addition to the State forest reserve of said State, submitted a report thereon, accompanied by a bill (S. 6462) granting lands to the State of Wisconsin for forestry purposes; which was read twice by its title.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7546) granting a pension to Edna Buchanan;

A bill (H. R. 18816) granting an increase of pension to Harriet Weatherby; and

A bill (H. R. 6944) granting an increase of pension to David P. Kimball.

Mr. PENROSE, from the Committee on Finance, to whom was referred the bill (S. 2416) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898, reported it without amendment.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 6418) to establish an additional recording district in Indian Territory, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. RAYNER on the 7th ultimo, relative to funds for the Providence Hospital, intended to be proposed to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 130) authorizing the extension of Kalorama road NW., reported it without amendment, and submitted a report thereon.

### FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

Mr. SCOTT. I report back from the Committee on the District of Columbia without amendment the bill (H. R. 4464) to classify the officers and members of the fire department of the District of Columbia, and for other purposes, and I submit a report thereon. I ask for the immediate consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. SCOTT. I wish to make one statement in regard to the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HALE. It is a very important bill, and there ought be some scrutiny in these last days of important bills. I hope the Senator in charge of the bill will state for the benefit of the body, so that we may know something about the bill, what features in it are new, what is the need of it, and what changes are made in salaries, so that when the Senate passes it we may not be absolutely "like dumb, driven cattle," knowing nothing whatever of what was before the body. I ask the Senator to tell us.

Mr. SCOTT. I ask the Secretary if he has not with the bill the report of the committee adopting the House report? It will give the Senator the information, I think.

I wish to say to the Senator that this bill was very carefully prepared by Congressman CAMPBELL, of the District Committee of the House. As the Senator no doubt noticed from the reading, it is to take effect the 1st of July, and while there is possibly one amendment which should have gone into the bill, covering the case of the trial of firemen for misconduct, the District Committee thought it best not to endanger the passage of the bill by amending it, for fear that if sent back in an amended form it might not become a law.

If the Senator will listen to the reading of the report, I am sure he will have no objection to the bill. It will explain fully the nature of the bill.

Mr. HALE. What is the main necessity for the bill? The Senator can tell us that.

Mr. SCOTT. The main feature of the bill, I will say to the Senator from Maine, is an increase in the salary of the fire department on the same ratio that the increase was made in the salary of the police department. It increases the salary of the men in the department.

Mr. HALE. To what extent?

Mr. SCOTT. Forty-eight hundred dollars will go to the higher officers. The balance of the increase goes to the men. The total amount that the bill will carry will be about $83,000.

Mr. HALE. Eighty-three thousand dollars annually?

Mr. SCOTT. Yes, sir.

Mr. HALE. I do not object to the firemen having fair and generous pay, but I do not think any bill to increase salaries ought to go through without the Senate knowing the extent. Does the Senator know what percentage of increase the firemen will have under the bill?

Mr. SCOTT. I will say to the Senator from Maine that I was compelled this morning to attend a meeting of the Committee on Military Affairs. I have sent now to the room of the Committee on the District of Columbia for the memorandum concerning this bill. I will ask that the matter go over, and I will call it up a little later.

The VICE-PRESIDENT. The bill will go to the Calendar.

### FORT DOUGLAS MILITARY RESERVATION LANDS.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6395) for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes, to report it favorably with amendments, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Military Affairs were, in section 1, page 2, line 20, after the word "Utah," to insert "and to Salt Lake City, a municipality organized and existing under the laws of the State of Utah, in the State of Utah;" in line 21, after the word "line," to insert "or lines;" on page 3, line 7, after the words "repair of," to strike out "a pipe line over the following-described portion of said lands: Commencing at the northwest corner of the University of Utah campus, running thence north along the west boundary of the Fort Douglas United States Military Reservation 200 feet; thence east 1,164.83 feet; thence south 200 feet; thence west 1,164.83 feet to the place of beginning;" and insert "the tank house belonging to the said Salt Lake City, as at present situated on the foregoing-described land;" in line 22, after the words "six hundred," to insert "and forty;" so as to make the section read:

That the Secretary of War, for and on behalf of the United States, is hereby authorized to grant and convey by deed to Le Grand Young, his heirs and assigns forever, that portion of the lands comprised within the Fort Douglas Military Reservation, adjoining Salt Lake City, Utah, described as follows, to wit: Commencing at the west boundary line of the Fort Douglas Military Reservation at a point where it is intersected by the south line of First South street, in Salt Lake City, Salt Lake County, State of Utah, and running thence north on said west boundary line of said military reservation a distance of 1,590 feet, more or less, to the southwest corner of what is known as "Popperton place," in Salt Lake City; thence east on a line between the said military reservation and the said Popperton place, a distance of 1,159 feet; thence south on a line running parallel to the said west boundary line of the military reservation a distance of 1,590 feet, more or less, to the northeast corner of the land granted to the University of Utah by act of Congress approved July 23, 1894; thence west along the north line of said university lands a distance of 1,159 feet, to the place of beginning, containing 42.3 acres of land, reserving, however, for the use of the military and the public a right of way in and over the present macadamized road leading from the post of Fort Douglas through said premises to Salt Lake City: *Provided*, That there is hereby granted and reserved to the University of Utah and to Salt Lake City, a municipality organized and existing under the laws of the State of Utah, in the State of Utah, a perpetual easement for the construction, maintenance, and repair of a pipe line or lines over the following-described portion of said lands: Beginning at the intersection of the north line of First South street with the west line of the said military reservation, and running thence north along the west line of the said reservation 50 feet; thence east 1,159 feet; thence south 50 feet; thence west 1,159 feet, to the place of beginning: *And provided further*, That there is hereby granted and reserved to Salt Lake City, a municipality organized and existing under the laws of the State of Utah, in the State of Utah, a perpetual easement for the construction, maintenance, and repair of the tank house belonging to the said Salt Lake City, as at present situated on the foregoing described land. The Secretary of War is further authorized to convey to the said Le Grand Young, his heirs and assigns, a right of way 100 feet wide, for a railroad and wagon road, along the south side of the said military reservation, within metes and bounds as follows: Commencing at the southeast corner of the said military reservation, and running thence west 640 rods to the southwest corner; thence north 100 feet; thence east 640 rods; thence south 100 feet to the place of beginning: *Provided*, That said roadway shall be subject to use by the public for highway purposes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### WATERS OF THE MISSISSIPPI RIVER AT ST. PAUL, MINN.

Mr. NELSON. From the Committee on Commerce I report back without amendment the bill (S. 6451) to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing

over the dams between St. Paul and Minneapolis, Minn., and I ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. HALE. Is the Senator certain that what is embraced in the bill is not covered in the work of the waterways commission?

Mr. NELSON. I will explain to the Senator the object of the bill. If the bill could be read the Senator would see the object of it. The bill has not been read. Will the Senator allow the bill to be read?

Mr. HALE. Certainly. My only point is whether it is embraced in the great waterways commission which is now at work.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That a commission is hereby created to examine and report to the Secretary of War, for transmission to Congress, concerning the use of the surplus water which shall not be needed for the purposes of navigation flowing over the dams now under construction by the United States in the Mississippi River between the cities of St. Paul and Minneapolis, Minn.

That such commission shall be composed of one officer of the Corps of Engineers of the United States Army, one officer of the Quartermaster's Department of the United States Army, both of whom shall be designated by the Secretary of War, and one official of the Treasury Department, who shall be an expert in electrical engineering, who shall be designated by the Secretary of the Treasury.

SEC. 2. That this commission shall examine and report upon the following propositions:

First. Whether there will be any surplus water flowing over said dams not needed for the purposes of navigation which might be available for mechanical or commercial power.

Second. Whether such power, or any part thereof, could be economically utilized for furnishing the light and power now needed or which hereafter may be needed in the buildings and property of the United States at St. Paul, Minneapolis, and Fort Snelling, Minn.; and if so, to what extent, and what proportion or amount of the available power could be so utilized by the United States or disposed of in any manner to the advantage of the United States.

Third. If it shall appear to said commission feasible and economical for the United States to use or dispose of such power or any part thereof, then said commission shall report a plan or plans, with terms and conditions for such use or disposition, and an estimate of the cost thereof to the United States.

SEC. 3. That the said commission shall meet at such time and place as may be directed by the Secretary of War, and shall transmit said report within two years after the passage of this act.

Mr. ALDRICH. I should like to have the first section read again. My attention was distracted by another matter.

The VICE-PRESIDENT. The Secretary will again read the first section of the bill.

The Secretary read as requested.

Mr. ALDRICH. I think the bill raises a very important question. I should suppose that the water power in these rivers would belong to the riparian owners—the owners of the adjacent land.

Mr. NELSON. I wish to explain to the Senator that these are Government dams constructed in the aid of navigation between Minneapolis and St. Paul, near Fort Snelling. The Government acquired the right by condemnation to construct the dams. It is Government property; and the sole object is to ascertain whether any of the surplus water can be used for these other purposes. Fort Snelling is close by, and the object is to supply it with the electric power, and also the United States public buildings in Minneapolis and St. Paul.

Mr. ALDRICH. Does the Government own the land on both sides of these dams?

Mr. NELSON. It owns it so far as the flowage is concerned.

Mr. ALDRICH. That may raise a very important question of ownership. I assume that the United States does not and will not claim the right to use waters that are navigable for the production of light and power in competition with private individuals.

Mr. NELSON. I do not think there is any conflict. This is simply to provide for an investigation and report on that question. That is all that there is involved in the bill.

Mr. ALDRICH. I am not objecting to the bill for the appointment of a commission, but it looks very much as though it is a first step the Government is going to take into the business of competing with private individuals in the manufacture and production of power.

Mr. NELSON. I do not think there is anything of that kind involved in the bill.

Mr. CULLOM. Does it not look like every drop of water in the country that can be picked up for any purpose is going to be taken away from transportation in the rivers?

Mr. NELSON. This does not allow the taking of a drop of water needed for navigation.

Mr. HANSBROUGH. I understand that it is for the purpose of allowing the Government to use the power from Government dams for the manufacture of light and heating.

Mr. NELSON. Yes. We have a great military post at Fort Snelling, near this dam.

Mr. HANSBROUGH. It is not for private use?

Mr. NELSON. It is not for private use at all. It is for Government purposes.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Illinois?

Mr. NELSON. Certainly.

Mr. HOPKINS. I will ask the Senator if he has looked into the question as to whether the Government of the United States has any control whatever over these waters?

Mr. NELSON. They are Government dams built on a navigable river.

Mr. HOPKINS. That may be, but is there anything in that that would give the Government of the United States the power to divert the water for any purpose?

Mr. NELSON. For public purposes, for Government purposes?

Mr. HOPKINS. Yes; even for that?

Mr. NELSON. I think so; but——

Mr. HOPKINS. Except for navigation, and even in a limited way for that purpose.

Mr. NELSON. I think so. However, this simply involves a consideration of the question and a report. It does not commit the Government to the plan.

Mr. HOPKINS. I will state to the Senator, if he will permit me, that under the river and harbor act that was passed some years ago a commission was authorized to look into the conditions of the waters of the Great Lakes in conjunction with a commission appointed by Great Britain, and that commission, in my judgment, has made some egregious blunders against the interests of the United States, and especially against the interests of the several States that really own the water. The Government of the United States has no authority in the water. The water belongs to the several States, and they must determine its use, outside of the question of navigation. It seems to me that if the Senator will look into this matter he will find that the Government of the United States has no authority whatever over a proposition of this character.

Mr. NELSON. It may be that an act of the legislature supplemental to this act would be necessary. But the Senator can see that, this being a Government dam, without the consent of the United States, even with that of the State legislature, they could not use the water that was made by the dam. These dams were built for the purposes of navigation between St. Paul and Minneapolis, to make the Mississippi River navigable from St. Paul up to the mills at Minneapolis. If any such question as the Senator suggests might arise in the matter, it is a question the legislature of the State will solve. Certainly, if there is such a question, it will require the consent both of the United States and of the State.

The bill simply proposes to appoint a commission to investigate whether any surplus water can be used above what is needed for navigation, and they are to report to the Secretary of War for transmission to Congress. It does not go beyond that. If this other question arises, then it is a matter that can be settled by the State legislature. There are at present no objections anywhere, either by the people of St. Paul or Minneapolis or any of the riparian owners.

Mr. HOPKINS. I will say to the Senator the only reason why a dam was constructed there at all was that it was in the interest of the commerce of the river itself, in which the several States from the source to the mouth of the river are just as much interested as the people at St. Paul and Minneapolis. They can not use that water for any other purpose. In my judgment, the people down at Cairo, Ill., or at St. Louis, Mo., or down farther, clear to the mouth of the Mississippi River, have just as much right to be consulted on the question as to the diversion of any of the water that goes over the dam there as the people of Minneapolis or St. Paul.

Mr. NELSON. The Senator is correct, and this commission is to consider that very question.

Mr. HOPKINS. But the Government of the United States has no authority over that. That must be done through the legislatures of the various States that border the river.

Mr. NELSON. No; the particular question whether any surplus water is needed above the requirements of navigation is a question belonging to the United States Government, not to the States.

Mr. TILLMAN. Mr. President——

Mr. HOPKINS. Mr. President, under the statement of the Senator from Minnesota I am not going to object to this specific bill, because he says it is not to determine any rights; but I think the bill involves a great question that should be care-

fully looked into by the Senators from the several States bordering on that great waterway.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. NELSON. Certainly.

Mr. TILLMAN. As I understand the bill it has in view the survey or the investigation by a commission to determine whether any of the water which flows over the dam can be used to run machinery.

Mr. NELSON. To run electrical power in the Government establishments.

Mr. TILLMAN. For the benefit of the Government?

Mr. NELSON. For the benefit of the Government. The Government has a great military post, with which Senators are familiar, at Fort Snelling. There has been a military post there ever since 1820, and it is close by this dam.

Mr. TILLMAN. I merely wish to remark that I never saw any water that was in a mill pond (and this is something like a mill pond above a dam, because the water is deepened by the dam) which could be so far diverted but that it would not get back into the stream below, unless it was pumped off somewhere and destroyed. I can not see how in the name of common sense the utilization of this water to run machinery, when the water would go right immediately back to the river, is going to divert any of it from the Mississippi River at St. Louis.

Mr. NELSON. The Senator is undoubtedly right. The water would go right back into the river immediately, and it would not diminish the flow.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ALDRICH. I should like to ask whether the jurisdiction of the United States over this matter is supposed to arise from the fact that it built a dam, or whether on account of the fact that these are navigable waters—that is, whether the United States can take possession of any river which is supposed to be navigable and build dams and erect factories of one kind or another and go into the business of competing with citizens of the United States in various ways?

Mr. TILLMAN. I have seen at Rock Island, in Illinois, a somewhat similar situation. There is at Rock Island one of the largest electric plants in the United States. The electricity is generated by the waters of the Mississippi River, and the Government utilizes that electricity to run machinery in the Rock Island Arsenal.

Mr. NELSON. That is the fact; and this case is precisely analogous to it.

Mr. ALDRICH. I thought from listening to the reading of the bill that it contemplated other uses.

Mr. NELSON. Oh, no; simply Government uses, that is all, for the great military post there and for the Government buildings, the public buildings at St. Paul and Minneapolis. It is exactly as the Senator from South Carolina has stated—analogous to the case at Rock Island.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. ALDRICH. I suggest to the Senator from Minnesota that I was not mistaken about the declared purpose for creating the commission. It is to be appointed to report to Congress concerning the use of certain surplus water without restricting its contemplated use to Government purposes.

Mr. NELSON. If the Senator will turn to the other page——

Mr. ALDRICH. That is the second inquiry. The first and the main inquiry is as to the use of it. I will not raise the point, but the first section is subject to the construction which I placed upon it.

Mr. SPOONER. It will not divert any water or involve the Government in competing with any industry until Congress ascertains whether there is surplus water.

Mr. ALDRICH. Oh, no.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### CHATTAHOOCHEE RIVER BRIDGES.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19815) to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga., to report it favorably without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19816) to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga., to report it favorably without amendment, and I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### GOVERNMENT RESERVATION IN HILO, HAWAII.

Mr. CLARK of Montana. I am directed by the Committee on Pacific Islands and Porto Rico to report back favorably without amendment the bill (H. R. 10106) providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii, and I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOSÉ MARTÍN CALVO.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom the subject was referred, to report an original joint resolution, which I send to the desk. As it is very short and it is important that it should be passed at the present time, I ask for its immediate consideration.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution (S. R. 66) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martín Calvo, of Costa Rica, was read the first time by its title, and the second time at length, as follows:

*Resolved by the Senate and House of Representatives, etc.*, That the Secretary of War be, and he hereby is, authorized to permit Mr. José Martín Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said José Martín Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### FORESTRY LAND GRANT TO WISCONSIN.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of a bill reported this morning from the Committee on Public Lands by the Senator from North Dakota [Mr. HANSBROUGH], granting lands to the State of Wisconsin for forestry purposes.

The VICE-PRESIDENT. The bill will be read for the information of the Senate, subject to objection.

The bill (S. 6462) granting lands to the State of Wisconsin for forestry purposes was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed to cause patents to issue to the State of Wisconsin for not more than 20,000 acres of such unappropriated, unoccupied, nonmineral public lands of the United States north of the township line between townships 33 and 34 north, fourth principal meridian, as may be selected by and within said State for forestry purposes. The lands hereby granted, except as herein provided, shall be used as a forest reserve only, and should the State of Wisconsin abandon the use of said lands for such purpose, alienate or attempt to alienate or use the same or any part thereof for purposes other than that for which granted, except upon consent of the Secretary of the Interior, as hereinafter provided, the same shall revert to the United States. If it shall be made to appear to the satisfaction of the Secretary that any tract or tracts of the land hereby granted are better suited for agricultural than for forestry purposes or by reason of their isolation are not available for forest-reserve purposes, he may, by order, consent to the sale of such tract or tracts by the State of Wisconsin, upon condition that the proceeds of such sale shall be used by the said State in the reforestation of the permanent forest reserves established by said State, and that in event the lands hereby granted shall revert to the United States the said State will account for all such moneys and will pay over to the United States all sums derived from the sales of these lands and not actually used in reforestation.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

Mr. LA FOLLETTE. I move that the bill (S. 4284) granting to the State of Wisconsin the residue of unappropriated and unreserved public lands within said State as an addition to the State forest reserves of said State be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CARMACK introduced a bill (S. 6455) for the relief of Aaron D. Bright; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 6456) granting a pension to Lilla May Pavy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6457) granting a pension to Anna M. Gregory; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 6458) for the relief of the administrator of Capt. Ephraim Perkins; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6459) granting an increase of pension to Ellen Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 6460) for the relief of Nye & Schneider Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 6461) for the relief of the estate of Stephen Herren; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEMENWAY submitted an amendment proposing to appropriate $25,000 per annum to provide for the traveling expenses of the President of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing that, beginning on the 1st day of July, 1906, and continuing thereafter, the work and employment of all employees of the various mints of the United States shall cease at 12 o'clock noon of every Saturday during the months of July, August, and September, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing that, beginning on the 1st day of July, 1906, and continuing thereafter, the work and employment of the clerks and per diem clerks rated as special laborers, mechanics, helpers, laborers, and apprentices employed in the various navy-yards and naval stations of the United States, etc., shall cease at 12 o'clock noon of every Saturday during the months of July, August, and September, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $5,000, to be used, at the discretion of the Secretary of the Interior, in placing a herd of 200 or 300 reindeer on the island of Unalaska, intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying memorandum, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate $5,000, to be used in increasing the salaries of clerks (formerly laborers) in the Department of Agriculture, classified by order of the President dated January 12, 1905, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REGULATION OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. PILES submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table and be printed.

PROPOSED RULE AS TO CONFERENCE REPORTS.

Mr. BAILEY. Mr. President, I desire to give notice, in accordance with the provision of Rule XL, of an amendment intended to be proposed to the rules of the Senate providing for the reception of a point of order against a conference report, and I submit the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution submitted by the Senator from Texas will be read.

The Secretary read as follows:

*Resolved*, That whenever objection is made that a conference report includes matter beyond the jurisdiction of the conference committee, the point of order shall be determined in the first instance by the Chair, and shall be finally disposed of by the Senate before the conference report itself is considered.

Mr. BAILEY. Mr. President, if it be permissible, I should like to have the resolution remain on the table, so that I may call it up within the next day or two. I think it is generally agreed that some rule of the kind provided for in the resolution ought to be adopted, and it possibly could be adopted without any debate or contest. I therefore ask unanimous consent that the resolution lie on the table.

The VICE-PRESIDENT. The resolution will lie on the table, and be printed.

INTRODUCTION OF REINDEER INTO ALASKA.

Mr. NELSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be directed to transmit to the Senate the report of Dr. Sheldon Jackson upon "The Introduction of Domestic Reindeer into the District of Alaska" for 1905, together with the maps and illustrations.

ASSISTANT CLERK TO COMMITTEE ON RULES.

Mr. SPOONER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Rules be, and it is hereby, authorized to employ an assistant clerk, in lieu of the messenger authorized by the resolution of January 4, 1906, to be paid from the contingent fund of the Senate at the rate of $1,800 per annum until otherwise provided by law.

BYRON K. MAY.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to return the bill (S. 1510) entitled "An act granting an increase of pension to Byron K. May."

WITHDRAWAL OF PAPERS—SOL MARKEE.

On motion of Mr. CLAPP, it was

*Ordered*, That permission be, and is hereby, granted to withdraw from the Senate files the petition of Sol Markee and others for the draining of Pelican Lake, Minnesota, referred to the Committee on Public Lands January 11, 1906, no adverse report having been made on the matter.

PANAMA RAILROAD COMPANY, ETC.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution submitted by the Senator from Alabama [Mr. MORGAN] yesterday, which will be read.

Mr. MORGAN. The Senator from Illinois [Mr. HOPKINS] made objection to the form of the resolution that I offered in the Senate yesterday. We have agreed as to the form of it. I have modified the resolution, and I ask for the adoption of the resolution as it has been modified.

The VICE-PRESIDENT. The Senator from Alabama has modified the resolution presented by him on yesterday, and now asks for its adoption. The resolution as modified will be read.

The Secretary read the resolution as modified, as follows:

*Resolved*, That it is referred to the Committee on Interoceanic Canals to inquire, with all reasonable diligence, and to report by bill or otherwise—

First. Whether it is necessary and is consistent with public policy and proper economy that the business and property of the Panama Railroad should continue to be held or conducted under and in accordance with the charter of the Panama Railroad Company enacted by the legislature of the State of New York and should remain under the legislative or other control of that State, or whether the control of said railroad and of all property held or controlled in its name or in connection with it should be placed under the jurisdiction and control and in the possession of the Isthmian Canal Commission or other lawful authority in the Panama Canal Zone subject to the authority of Congress.

Second. Whether the Government of the United States should assume the outstanding debts and obligations of the Panama Railroad Company, and what provision should be made for their liquidation or payment.

Third. Whether the Government of the United States has any and what right to stock in the New Panama Canal Company that was issued to the Government of Colombia to the amount of 5,000,000 francs, or to any dividends or payments due on such stock from any funds in the treasury of said canal company.

Fourth. Whether the persons claiming to be members of the board of directors of the Panama Railroad Company hold such places as directors by any lawful tenure or authority, and, if they are not so entitled, whether their appointment as such directors should be sanctioned by the approval of Congress.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

LOANS BY NATIONAL BANKS.

Mr. ALDRICH. I ask unanimous consent for the present consideration of the bill (H. R. 8973) to amend section 5200, Revised Statutes of the United States, relating to national banks.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, on page 1, line 12, after the word "fund," to strike out:

*Provided, however*, That the total of such liabilities shall in no event exceed 20 per cent of the capital stock of the association.

So as to make the bill read:

*Be it enacted, etc.*, That section 5200 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 5200. The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations, actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed."

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Finance. In the absence of objection, it will be considered as agreed to.

Mr. BAILEY. I object to that, Mr. President.

The VICE-PRESIDENT. Then the question will be on agreeing to the amendment.

Mr. BAILEY. Mr. President, I believe that Congress ought to provide by a suitable law for including a reasonable surplus in the 10 per cent which a bank may loan to one of its customers, but I do not believe that the surplus should be without a limitation.

The trouble with this provision, if the committee amendment should be adopted, is that it will encourage banks to transact their business on a surplus rather than on a capital. To illustrate what I mean, if the bank can treat its surplus in every way precisely as it treats its capital and may loan it without any limitation upon its amount, the temptation would be for men who are about to engage in the banking business to have a small capital and a large surplus, because the money, whether surplus or capital, would be available for all the necessities of the bank without distinction; but when you come to look to the security of the depositors and creditors of the bank there is a very important difference. Stockholders are liable to depositors and creditors of a bank according to the capital stock, and not according to the surplus. Therefore, if the surplus be accorded all the privileges of the capital, the inevitable tendency in this country will be to bank upon surplus and not upon capital.

If I and my associates were about to organize a bank with a million dollars of capital and this bill should become a law, we would not organize with a million dollars capital at all, but we would organize with $100,000 capital and $900,000 surplus. The advantage in so organizing would be that in the event of failure the stockholders would be liable to the creditors and depositors to the extent of $100,000, and no more; whereas if they organized with a capital of $1,000,000 and the bank should fail the stockholders would be liable to the depositors and creditors to the extent of $1,000,000. Now, sir, if a bank organized with $100,000 capital and $900,000 surplus should fail for $500,000 above its assets, the stockholders would respond to the extent of $100,000 only and the creditors would lose $400,000. On the other hand, if it organized with $900,000 capital and $100,000 surplus and it should fail for $500,000, the depositors and creditors would not lose one farthing, assuming that the stockholders were solvent, because the liability of the stockholder to the extent of his holding would be sufficient to liquidate the entire debt.

We have what is said to be the safest banking system in the world. I doubt that; but certainly it is the safest banking system that this country has ever known. The only criticism which is now heard against it is that in its practical operation it lacks elasticity, but it must be remembered that its very want of elasticity is one of the things that insures its safety. Either we ought to repeal that part of the law which limits the liability of the stockholder to the capital and include the surplus or else we ought not to encourage the accumulation of a surplus without limit. Not only, Mr. President, is it wrong looking to the creditors of the bank, but it is not altogether safe if you look merely to the stockholders themselves. A bank is organized; a majority control it; and that majority persistently and continually accumulates a surplus instead of dividing the profits of the bank in the shape of dividends. It may happen that the majority are well able to forego their dividends and permit their accumulation as a surplus, but it may also happen that the minority can not pursue that course with the same convenience.

Mr. President, if we adopt this committee amendment we encourage all banks in the accumulation of a surplus as against a capital, and we have taken a long step toward impairing the safety of our present banking system. I repeat what I said in the beginning, that some law of this kind ought to be passed. I am willing to accord this privilege to a surplus equal to the capital stock. The effect of that would be to reduce actually the liability of a stockholder to 50 per cent, whereas the law made it, and the law ought to have made it, equal to 100 per cent; but I am not willing to see a bill pass, and it can not pass except over my protest, that puts a premium upon the accumulation of a surplus, thus relieving stockholders against their personal liability. That personal liability has heretofore been regarded as a very important element in the credit of all banks and in the operation of the national banking system, and it ought not either to be impaired, reduced, or eliminated.

Mr. ALDRICH. Mr. President, the Finance Committee are unanimous in their approval of the provisions of the bill that enlarge the limit of individual loans by national banks from 10 per cent of the capital, as fixed by existing law, to 10 per cent of the capital and surplus. The Senator from Texas [Mr. BAILEY] believed, and in this differed with the committee, that a further limitation should be placed upon the total amount to be loaned to any one party, and that this amount should not in any case exceed 20 per cent of the capital stock of the bank. He contends that the bill, without this further limitation, reduces the relative liability of the stockholders to creditors.

It is true, as he suggests, that the law as it now stands imposes, in case of failure, a further liability upon stockholders of national banks equal to the amount of capital stock held by them, but I suggest to him that neither the bill nor the amendment proposes to change or reduce that liability.

Mr. BAILEY. I know; but the Senator from Rhode Island agrees that a stockholder is liable to the amount of his stock, and is not liable at all upon the surplus.

Mr. ALDRICH. He is not now, and there is no suggestion to change that liability. The liability remains the same whether the House bill be accepted without amendment or whether the action of the Senate committee in amending it is sustained.

Mr. BAILEY. That is true, Mr. President, but the House bill limiting a loan to 20 per cent of the capital stock where the surplus is sufficient to justify it, still discourages the accumulation of a surplus, because it does not permit the surplus to be used under the same privileges as the capital. So far as the liability is concerned, of course that liability rests upon the capital, and not upon the surplus under the present law, as it will under this. I am not now asking for a change in that respect; I am only insisting that there be a limitation placed in this bill so as not to encourage the accumulation of a surplus as against the investment of capital.

Mr. ALDRICH. The liability of stockholders of the bank to its creditors remains the same in any event; it is also true that the surplus is always available for the creditors of the bank in case of failure. The only question is whether we should put upon loans which may be made by a bank having a large surplus a limit based upon the capital alone and not one based upon both the capital and surplus.

The theory of the bill, as reported by a majority of committee, is that it is perfectly safe banking to loan to any one person found worthy of credit 10 per cent of the capital and accumulated surplus of the bank. The Senator from Texas objects on the ground that some loans might be authorized by banks having a large surplus in excess of 20 per cent of their capital stock. I will say, further, that banks can, under the present law, do the very thing the Senator most strenuously objects to.

Mr. BAILEY. They can not do what I object to now. No bank can now lend over 10 per cent of its capital, without reference to its surplus. It might have a $100,000 capital and $1,000,000 surplus, giving it assets of $1,100,000, but it could make no loan legally or according to the regulations over $10,000 to one customer. If you pass this bill as reported by the committee, it can loan him $110,000. I do not object——

Mr. ALDRICH. Does the Senator think that it would be unsafe banking?

Mr. BAILEY. I do. If the personal-liability element is valuable, then it is not right to let a bank employ $1,100,000 of assets with a personal liability of only $100,000.

Mr. ALDRICH. But the Senator himself does not propose to change that liability, and it will not be changed if this amendment is rejected.

Mr. BAILEY. No; I do not propose to change the liability, because I know I could not do it, but I am protesting against an amendment of the law in this respect when it does not

make the stockholders answerable for any part of the surplus. For instance, I illustrate it in this way: Here is a bank in this country with $300,000 capital and $7,000,000 of surplus, all earned in the business, the Senator from New Jersey [Mr. KEAN] says. I commend the thrift that with a small capital earns a large surplus. I think it would have been a little better to have distributed it among the people who own the stock, but that is none of my affair. Probably every stockholder was willing to accumulate it, and so it passes without any just criticism. But that bank, if it should fail to-morrow, would fail for an enormous sum. I know that it is not within the range of probability that it will ever fail, because it is one of the financial institutions in this country, I understand, conservatively managed and marvelously successful. But if it should fail, it would fail for a sum running into the millions, and when the Comptroller of the Currency called on the stockholders to meet its obligation to its creditors, he would get the sum of $300,000, a beggarly sum in comparison with the $7,000,000 surplus and the $300,000 capital upon which the bank had been transacting business.

Mr. ALDRICH. The Senator from Texas misunderstood my statement that banks do the thing he objects to under the present law. I referred to his suggestion that under the pending bill as we proposed to amend it a bank could be organized with $100,000 capital and $900,000 surplus, with an extra liability, a double liability, on the part of the stockholders of only $100,000. The same thing could be done with the same limited liability under existing law. The only question at issue is whether we should, as a matter of policy, allow a bank thus organized to loan not more than 10 per cent of its capital and surplus to one party; whether that is good and safe banking. That is the sole question.

Mr. BAILEY. I know, but the Senator from Rhode Island overlooks a point, or else for some reason I am incapable of understanding what I am trying to say. As the law stands to-day, they organize a bank with $1,000,000—$100,000 capital and $900,000 surplus. They could only loan to one person——

Mr. ALDRICH. Ten thousand dollars.

Mr. BAILEY. They could loan $10,000, which would be 10 per cent of its hundred-thousand-dollar capital. But if it is organized under this amendment, then they could loan $100,000 to one customer. In other words, they only loan 10 per cent of the capital and surplus to one man. Thus they could loan to one man the entire personal liability of the stockholders. That is what I object to. I do not care only about them loaning the money so much, but when they loan one man $100,000, if it is lost they exhaust the entire personal liability of all the stockholders. That ought not to be done.

Mr. ALDRICH. The Senator understands that this liability accrues only in case of insolvency.

Mr. BAILEY. Certainly.

Mr. ALDRICH. Cases have been very rare where that double liability has been enforced.

Mr. BAILEY. If the Senator will go to the records, he will find that while it has not been frequent, it has happened in a number of instances that stockholders have been assessed.

Mr. ALDRICH. The committee differ with the Senator from Texas as to the policy that should be pursued toward the banks in this regard. A large majority of the committee believe that it is desirable from every standpoint to encourage the creation of a surplus on the part of national banks. Of course that surplus in any event is always liable for outstanding debts. We do not believe that the difference in liability is one of practical value—that is, when loans are limited to 10 per cent of the actual capital, the unimpaired capital, and 10 per cent of the unimpaired surplus. I think no harm can come to any creditor of any bank or to any bank through the adoption of the amendment as it was reported by the committee. But I am extremely anxious that this bill should become a law. It ought to pass at this session. There is a general demand for it from the business interests of the whole country, and I am willing to make some concessions that are not approved by my judgment in order to secure this result.

Mr. BAILEY. I think it ought to pass, but I think it ought to pass in the right way.

Mr. ALDRICH. I had some conference with the Senator from Texas yesterday upon this subject, and I am willing that the bill should be modified so as to make the proviso read:

*Provided, however,* That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Florida?

Mr. TALIAFERRO. I merely wanted to ask the Senator from Rhode Island a question. I was not aware that the Senator from Texas had the floor.

I hope that the modification suggested by the Senator from Rhode Island will not prevail, and that the amendment as proposed by the committee will stand. I understand that the purpose of the bill, if the Senator from Texas will pardon me for a moment, is to correct to some extent a very bad practice which now prevails among the banks, and that is of disregarding the 10 per cent limitation as provided by law, and I am informed that if this bill becomes a law the Comptroller will see that the banks adhere to the law as this bill provides. It is impossible for the banks of this country as a rule to do business on 10 per cent of the capital.

Mr. BAILEY. If the Comptroller of the Currency intends to adhere to any such determination as that, he will tie up business in almost every section of the country. Take it in my section of the country. During the cotton season it would be absurd to attempt to limit the line of credit to responsible cotton men to 10 per cent of the bank's capital and surplus, because it requires more than that in the daily transactions before he can buy and sell, and the banks really run no risk, because the cotton man has his own deposit there, and every pound of cotton he buys goes to the bank as security.

Mr. TALIAFERRO. The Senator from Texas misunderstood me. I did not mean to say that the Comptroller of the Currency would hold the banks to the 10 per cent rule as it exists to-day. I understand the Comptroller has recommended this change of the law, and he takes the position that if the law is so changed he will require the banks to adhere to it. I think it is a wise provision, and I hope the committee amendment may be allowed to stand as it has come to the Senate.

Mr. BAILEY. The trouble with that would be that in certain parts of the country, where the banks are not able to go on accumulating from year to year these enormous surpluses, there would be practically little benefit; and if I thought the Comptroller of the Currency intended to enforce that rule, I would feel it my duty to employ every legitimate means to defeat this bill, because in the cotton States of the South few banks have a surplus equal to their capital, and therefore the extension of the privilege of the 10 per cent loan to the surplus would not meet the conditions that exist there.

My own opinion is that this restriction was originally put into the banking law when loans were made largely on personal credit. I do not believe that it would have ever been insisted that when a man offered to the bank securities which could be realized on without any serious delay this restriction should be enforced. I have never myself been a supporter of the national banking system. I have never believed that the banks ought to issue currency. I have always regarded that as a function of the Government. Nor have I ever been able to reconcile myself to the idea of sending out a $3,000 examiner to tell a $20,000 bank president how to run his bank. I have rather inclined to the belief that when a man puts his money in a bank he ought to trust the honesty and integrity of its officers as he must trust the honor and integrity of other men.

But my views never have prevailed on that question, and so I am bound to legislate, so far as I legislate at all, according to the conditions as they are and not according to the conditions I wish existed. Fearing, Mr. President, that I may not be able to secure any limitation at all, and believing that a limitation is very important, I accept the suggestion of the Senator from Rhode Island that we reject the committee's amendment, which removes all limitation as to the surplus, and make it 30 per cent. That gives the bank the right to treat its surplus the same as capital in making loans to the extent of twice its capital. I hold to the personal liability for two reasons. Not only does it help to reimburse the depositors and to pay the creditors when there is a bank failure, but it makes the men who are stockholders and directors in a bank much more careful when they understand that they have a personal liability beyond and in addition to the loss of their stock.

I am disposed to think that it would be an excellent idea to make the directors liable for capital and surplus. Then I would be willing to remove the restriction as is here provided; but apparently that can not be done. Of course they must lose the surplus before there can be any assessment against them, but the trouble is they put in $100,000 and call it "capital," and they put in $900,000 and call it "surplus." When the bank fails, if it does fail, the stockholders are personally liable to the extent of $100,000 and personally exempt to the extent of the other $900,000. If it were reversed, and they should put in $900,000 of capital and $100,000 of surplus and the bank failed, the stockholders would be liable for $900,000 in addition to their stock, and would only be exempt to the extent of $100,000. What I complain of is that a large surplus is a large

exemption of personal liability in favor of the stockholders. But I am willing to accept the suggestion of the Senator from Rhode Island as the best that can be done.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to modify the language proposed to be stricken out by striking out "twenty" and inserting "thirty," and to disagree to the amendment.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. TALIAFERRO. Mr. President, I hope the amendment will not prevail. I am satisfied that the banks of the country, and especially the banks of the South, will be unable to do the business of their sections under a limitation such as is proposed in this modified amendment. As a rule, the banks of the South have organized with small capital. They have relied on building up a surplus, and it is considered good banking that the surplus should be built up as rapidly as possible. Some of these national banks have a capital of $25,000, and others $50,000, and if they are confined by such a provision as this, they will be totally unable to do the business of their section, because the Comptroller has personally notified me that he will require the banks to adhere to this proposed law if it passes the Congress. He is not requiring them as vigorously to adhere to the existing law as might be done, for the reason that it has become the habit with the banks of the country to disregard the 10 per cent limitation to a certain extent, but he says that if this bill passes he will take it as a direction and he will not allow banks to exceed the amount which this proposed act authorizes them to loan.

I hope, therefore, in the interest of banking all over the country, and particularly in the South, that the proviso as modified will be stricken out.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. PETTUS. I desire to know on what sound principle it is proposed to strike out the provision as it came from the House, limiting it to 20 per cent?

Mr. TALIAFERRO. I understand that is the House provision, and the amendment comes from the Senate committee.

Mr. PETTUS. The amendment to strike it out comes from the Senate committee.

Mr. TALIAFERRO. Yes.

Mr. PETTUS. I desire to know on what sound principle it is proposed to strike it out.

Mr. TALIAFERRO. It is considered absolutely good banking that a bank of large accumulated earnings in the form of surplus should be allowed to treat the surplus in part as capital in the matter of making loans. I see nothing unsound about that banking principle. I think it is sound; and I think it is one which is essential in doing business in this country, and especially in the section to which the Senator from Texas has referred.

Mr. PETTUS. Suppose they have not any large surplus?

Mr. TALIAFERRO. If they have no surplus they can not loan it.

Mr. PETTUS. They are still authorized to loan to one man double the present amount.

Mr. TALIAFERRO. Not at all. If they have no surplus, they will be confined to the present law as to capital, which is one-tenth.

Mr. PETTUS. As I understand this bill, if they have a capital of a hundred thousand dollars only and no surplus, they would still be authorized to loan $20,000 to one man.

Mr. TALIAFERRO. I do not understand the bill in that way.

Mr. PETTUS. That is the way it reads.

Mr. TALIAFERRO. I understand that a bank without a surplus would be allowed to loan 10 per cent of its capital.

Mr. PETTUS. This does not say a word about having or not having a surplus.

Mr. TALIAFERRO. The banks under this bill would be allowed to treat the surplus as capital, and make a 10 per cent loan on the whole.

Mr. PETTUS. This does not say a word about having a surplus or not having a surplus.

Mr. TALIAFERRO. This is an amendment of existing law.

Mr. PETTUS. The amendment commences with the last word on the first page of the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. TALIAFERRO. On that I ask for a division.

The VICE-PRESIDENT. The Senator from Florida asks for a division.

Mr. ALDRICH. We may as well have the yeas and nays, I think.

The VICE-PRESIDENT. The yeas and nays are demanded.

Mr. BACON. I beg the Chair to state the immediate matter to be voted upon.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. The committee amendment proposes to strike out the following:

*Provided, however,* That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association.

Mr. BACON. I understood the Chair to say that the question was on agreeing to the amendment as modified.

The SECRETARY. The modification was to strike out "twenty" and insert "thirty;" and it is proposed to disagree to the amendment to strike out the proviso as modified.

Mr. TELLER. The Senator from Rhode Island had better explain the amendment. I was going to do so, but I see the Senator from Rhode Island is here.

Mr. ALDRICH. What is the question of the Senator from Georgia?

Mr. BACON. I was inquiring as to what is the precise question before the Senate. I knew that the Senator from Florida was opposed to the modification, and that is the matter upon which he desired a division. The question as stated by the Chair treated the modification as one which had been adopted, and therefore the matter before the Senate was not the adoption of the modification, but the amendment as thus amended. I was uncertain whether that particular presentation was correct.

Mr. ALDRICH. I am not sure just how the Presiding Officer stated the question.

The VICE-PRESIDENT. The Chair understands that the Senator from Rhode Island moved that the Senate strike out the word "twenty" in the part proposed to be stricken out and insert in lieu thereof the word "thirty."

Mr. ALDRICH. That is right.

The VICE-PRESIDENT. And then to disagree to the Senate amendment to strike out. That is the question.

Mr. BAILEY. I thought the amendment substituting "thirty" for "twenty" had been agreed to. I understood the Senator from Florida to be opposing any limitation with respect to the surplus. Now, if I could vote as between twenty and thirty, I should vote for twenty, the House provision; that is, if there is to be a contest. If there is an understanding, of course, I would abide by the understanding. If there is now to be a vote between no limitation as advocated by the Senator from Florida——

Mr. TALIAFERRO. No limitation beyond the 10 per cent.

Mr. BAILEY. What I am trying to do is to prevent the accumulation of a surplus which exempts the stockholders of banks from personal liability. And that is the whole purpose I have. Now, if there is to be no limitation as the Senate committee reported, of course on that I will vote "no," because I am opposed to it. But my understanding is that the question now is upon the adoption of the amendment as amended.

Mr. ALDRICH. I suppose the first question is to strike out "twenty" and insert "thirty."

The VICE-PRESIDENT. The first question is to perfect the part to be stricken out.

Mr. ALDRICH. That is right.

The VICE-PRESIDENT. And the next question will be on agreeing to the amendment of the committee to strike out the proviso.

Mr. ALDRICH. The first question will be whether we will insert "thirty" instead of "twenty," and then the question will come on striking out the whole proviso.

Mr. BAILEY. The Senator from Florida would want thirty as against twenty.

Mr. TALIAFERRO. I understood the Chair to hold that the amendment as modified by the Senator from Rhode Island had been adopted by the Senate. I asked for a division on the question of the adoption of his modification. That was my purpose.

Mr. BAILEY. That is right.

Mr. TALIAFERRO. I hold that the division or the yea-and-nay vote is to determine whether the amendment as modified by the Senator from Rhode Island shall be adopted by the Senate.

Mr. TELLER. It has not yet been modified.

Mr. CULLOM. That is the question.

Mr. BACON. Mr. President——

Mr. KEAN. Why can we not vote on the committee amendment first?

The VICE-PRESIDENT. The Chair will put the question again, if desired, upon the amendment of the Senator from Rhode

Island, to strike out in the part proposed to be stricken out the word "twenty" and inserting "thirty."

Mr. TALIAFERRO. The question is whether the Senate will accept the amendment of the Senator from Rhode Island, to insert "thirty" instead of "twenty," as the House provided. That is the way I understand it.

Mr. KEAN. Why should we not first vote on the amendment reported by the committee?

The VICE-PRESIDENT. The Chair thinks there will be no difficulty if Senators will note carefully the text of the bill, and will also observe the effect of the motion of the Senator from Rhode Island, which is to strike out "twenty" and insert "thirty" in the part proposed to be stricken out. The Chair will put that question, in order that there may be no misunderstanding.

Mr. PATTERSON. I desire, if there is to be a yea-and-nay vote, that some Senator familiar with the measure shall briefly state what the measure is and what the vote is upon. Several Senators have come in since this discussion has been under way.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Rhode Island, to strike out "twenty" and insert "thirty."

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment to strike out the proviso as amended.

Mr. PETTUS. Were not the yeas and nays ordered?

The VICE-PRESIDENT. Not upon this question, as the Chair understood. The question is on agreeing to the motion to strike out the proviso.

Mr. KEAN. Let us have a division.

Mr. BAILEY. I ask that the proviso may be read as modified.

The SECRETARY. After the word "fund," in line 12, on page 1——

Mr. PETTUS. Was not a yea-and-nay vote ordered?

The VICE-PRESIDENT. A yea-and-nay vote has not been ordered.

The SECRETARY. After the word "fund," in line 12, page 1, it is proposed to strike out:

*Provided, however*, That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association.

Mr. CULLOM. That is it.

Mr. BAILEY. If the Senate strikes that out, it will remove every limitation.

Mr. ALDRICH. It will remove them all.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified. [Putting the question.] In the opinion of the Chair, the "noes" have it.

Mr. KEAN. Let us have the yeas and nays.

Mr. SPOONER. The yeas and nays are demanded on what?

Mr. BLACKBURN. On the motion to strike out the proviso.

The VICE-PRESIDENT. To strike out the proviso as amended.

Mr. RAYNER. Is there a second to the demand for the yeas and nays?

The VICE-PRESIDENT. The Chair will ask if there is a second.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MILLARD (when Mr. BURKETT's name was called). My colleague [Mr. BURKETT] is necessarily absent from the city. If he were here, he would vote "yea."

The roll call was resumed.

Mr. GALLINGER. Mr. President, I rise to a point of order. The confusion is so great in the Chamber that no one can hear the responses.

The VICE-PRESIDENT. The roll call will be suspended until Senators take their seats. The Chair must request Senators to kindly preserve order.

Mr. PATTERSON. Mr. President, the trouble about the Senate is that the Senate is in profound ignorance of the question that is now being voted upon, as I am——

Mr. GALLINGER. Debate is not in order.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Debate is not in order. The roll call has begun, and it must proceed.

Mr. PATTERSON. I simply want to ask a parliamentary question, whether or not it will be in order——

The VICE-PRESIDENT. No debate is in order.

Mr. PATTERSON. I rise to a parliamentary inquiry.

Mr. GALLINGER. Let the roll call proceed.

Mr. ALDRICH. The Senator can not interrupt the roll call.

The VICE-PRESIDENT. The Senator from Colorado is out of order.

Mr. PATTERSON. May I ask the Chair a parliamentary question?

The VICE-PRESIDENT. The Chair has said to the Senator that he is out of order.

Mr. PATTERSON. Then I will take my seat.

The roll call was resumed.

Mr. PETTUS (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE].

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP].

The roll call was concluded.

Mr. BLACKBURN. I desire to state that my colleague [Mr. MCCREARY] is necessarily absent from the city.

Mr. TILLMAN. My colleague [Mr. LATIMER] is necessarily absent from the Senate, and is paired with the Senator from Illinois [Mr. HOPKINS].

Mr. WARREN. I desire to state that my colleague [Mr. CLARK of Wyoming] is necessarily absent from the city to-day.

Mr. SCOTT. If it were in order, I should like to know what this amendment contemplates. I should like to vote, but I do not know——

The VICE-PRESIDENT. The Senator is out of order.

The result was announced—yeas 24, nays 27, as follows:

YEAS—24.

| | | | |
|---|---|---|---|
| Ankeny | Hansbrough | Martin | Rayner |
| Bacon | Kean | Millard | Smoot |
| Bulkeley | Knox | Nelson | Sutherland |
| Clarke, Ark. | McCumber | Penrose | Taliaferro |
| Clay | McEnery | Perkins | Warren |
| Dryden | McLaurin | Proctor | Wetmore |

NAYS—27.

| | | | |
|---|---|---|---|
| Aldrich | Burnham | Fulton | Patterson |
| Allee | Carmack | Gallinger | Piles |
| Bailey | Carter | Kittredge | Spooner |
| Benson | Cullom | La Follette | Teller |
| Berry | Dillingham | Long | Tillman |
| Blackburn | Flint | Mallory | Warner |
| Brandegee | Foraker | Money | |

NOT VOTING—38.

| | | | |
|---|---|---|---|
| Alger | Daniel | Gearin | Nixon |
| Allison | Depew | Hale | Overman |
| Beveridge | Dick | Hemenway | Pettus |
| Burkett | Dolliver | Heyburn | Platt |
| Burrows | Dubois | Hopkins | Scott |
| Clapp | Elkins | Latimer | Simmons |
| Clark, Mont. | Foster | Lodge | Stone |
| Clark, Wyo. | Frazier | McCreary | Whyte |
| Crane, | Frye | Morgan | |
| Culberson | Gamble | Newlands | |

So the amendment to strike out the proviso was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JARIB L. SANDERSON.

Mr. TELLER. I ask leave to call up the bill (S. 6214) for the relief of Jarib L. Sanderson.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Jarib L. Sanderson, of Boulder, Colo., surviving partner of the late firm of Barlow, Sanderson & Co., $7,740, being the amount found by the Secretary of the Interior and the Court of Claims to be the losses sustained by depredations of a band of Cheyenne Indians during hostilities in Kansas and Nebraska in the year 1867, the same to be deducted from annuities now due or hereafter to become due said tribe, this payment being made under treaty stipulations of September 17, 1851.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AIDS TO NAVIGATION.

Mr. NELSON. I call up the conference report on the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment. The report was made yesterday.

The Secretary proceeded to read the conference report.

The VICE-PRESIDENT. The conference report has been printed in the RECORD, and unless it is desired it will not be read in full. The question is on agreeing to the conference report.

The report was agreed to.

NATIONAL CHILD LABOR COMMITTEE.

Mr. SPOONER. I ask unanimous consent for the consideration of the bill (S. 6364) to incorporate the National Child Labor Committee.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with an amendment, in section 2, line 11, page 2, before the word "parental," to strike out the words "public opinion and;" so as to make the section read:

SEC. 2. That the objects of the said corporation shall be: To promote the welfare of society with respect to the employment of children in gainful occupations; to investigate and report the facts concerning child labor; to raise the standard of parental responsibility with respect to the employment of children; to assist in protecting children, by suitable legislation, against premature or otherwise injurious employment, and thus to aid in securing for them an opportunity for elementary education and physical development sufficient for the demands of citizenship and the requirements of industrial efficiency; to aid in promoting the enforcement of laws relating to child labor; to coordinate, unify, and supplement the work of State or local child-labor committees, and encourage the formation of such committees where they do not exist.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. DRYDEN obtained the floor.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey [Mr. DRYDEN] yield to the Senator from New Hampshire?

Mr. GALLINGER. I am about to go to a meeting of the conference committee on the District of Columbia appropriation bill, which is going to take a great deal of my time for the next few days. I have in my charge a very trifling bill, and yet it is important in some respects to the District. I ask the Senator from New Jersey to yield to me. If it leads to debate I will withdraw it.

Mr. DRYDEN. If it does not lead to debate I will yield.

DISTRICT OF COLUMBIA SAVINGS BANKS.

Mr. GALLINGER. I ask for the consideration of the bill (H. R. 118) to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with an amendment, on page 2, line 19, to insert the following proviso:

*Provided, however*, That banking institutions having offices or banking houses in foreign countries as well as in the District of Columbia shall only be required to make and publish the reports provided for in this section semiannually.

The amendment was agreed to.

Mr. GALLINGER. I have an amendment that I desire to offer to follow the amendment just agreed to.

The SECRETARY. Add after the amendment just agreed to the following additional proviso:

*And provided further*, That the publications authorized or required by said section 5211 of the Revised Statutes, and all other publications authorized or required by existing law to be made in the District of Columbia, shall be printed in two or more daily newspapers of general circulation published in the city of Washington, one of which shall be a morning newspaper.

The amendment was agreed to.

The VICE-PRESIDENT. There is a further amendment reported by the Committee on the District of Columbia, which will be stated.

The SECRETARY. Strike out all of section 714a, beginning with line 8, page 3, and including line 18, in the following words:

SEC. 714a. The Comptroller of the Currency, with the approval of the Secretary of the Treasury, is further authorized to make rules for the regulation of the banking business within the District of Columbia by the banks mentioned in section 713, and to provide for the enforcement of such regulations by the assessment of reasonable fines, which may be collected by suit before the supreme court of the District of Columbia. The expenses of such suit shall be paid from the proceeds of the fines collected, and the balance shall be annually paid to the Treasurer of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. DRYDEN. I yield to the Senator from Pennsylvania.

Mr. PENROSE. I ask unanimous consent that the Erie and Ohio Ship Canal bill shall be taken up for consideration this afternoon after the unfinished business shall have been laid aside.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent that after the unfinished business is temporarily laid aside the Senate proceed with the further consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce. Is there objection? The Chair hears none, and it is so ordered.

EFFICIENCY OF THE MILITIA.

Mr. HEMENWAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. DRYDEN. I yield to the Senator.

Mr. HEMENWAY. I ask unanimous consent for the consideration of the bill (S. 1442) to increase the efficiency of the militia and promote rifle practice. It is a bill that comes by unanimous report from the Committee on Military Affairs. It is a short bill, and, I think, will give rise to no discussion.

Mr. DRYDEN. If it will not lead to debate, I will yield to the Senator.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHILOH ELECTRIC RAILWAY COMPANY.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. DRYDEN. I understand that the Senator from Mississippi has a little bill which he would like to bring up. I yield if it will not lead to debate.

Mr. MONEY. I ask consent now because I leave to-morrow. This is a local measure which has passed the House unanimously and passed the Military Committee of the Senate unanimously, and is approved by the Secretary of War and the Park Commission. I ask the Senate to proceed to the consideration of the bill (H. R. 16125) authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon.

The VICE-PRESIDENT. The bill has heretofore been read. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAND CANYON FOREST RESERVE.

Mr. SMOOT. Mr. President——

Mr. DRYDEN. I yield to the Senator from Utah if the bill he wishes to call up will not lead to debate, but I want to say now that I shall have to decline to yield further after the Senator from Utah has presented his measure.

Mr. SMOOT. I ask for the present consideration of the bill (S. 2732) for the protection of wild animals in the Grand Canyon Forest Reserve.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. DRYDEN. Mr. President, the Panama Canal problem has reached a stage where a decision should be made to permanently fix the type of the waterway, whether it shall be a sea-level or a lock canal. An immense amount of evidence on the subject has in the past and during recent years been presented

to Congress. An overwhelming amount of expert opinion has been collected, and an International Board of Consulting Engineers has made a final report to the President, in which experts of the highest standing divide upon the question. The Senate Committee on Interoceanic Canals has likewise divided. It is an issue of transcendent importance, involving the expenditure of an enormous sum of money, and political and commercial consequences of the greatest magnitude, not only to the American people, but to the world at large.

The report of the International Board has been printed and placed before Congress. A critical discussion of the facts and opinions presented by this Board, all more or less of a technical and involved nature, would unduly impose upon the time of the Senate at this late day of the session. In addition, there is the testimony of witnesses called before the Senate committee, which has also been printed in three large volumes, exceeding 3,000 pages of printed matter. To properly separate the evidence for and against one type of canal or the other, to argue upon the facts, which present the greatest conflict of engineering opinion of modern times, would be a mere waste of effort and time, since the evidence and opinions are as far apart and irreconcilable as the final conclusions themselves. It is therefore rather a question which the practical experience and judgment of Members of Congress must decide, and I have entire confidence that the will of the nation, as expressed in its final mandate, will be carried into successful execution, whether that mandate be for a lock canal or sea-level waterway.

The Panama Canal presents at once the most interesting and stupendous project of mankind to overcome by human ingenuity "what Nature herself seems to have attempted, but in vain." From the time when the first Spanish navigators extended their explorations into every bay and inlet of the Central American isthmus, to discover, if possible, a short route to the Indies, or "from Cadiz to Cathay," the human mind has not been willing to rest content and accept as insurmountable the natural obstacles on the Isthmus preventing uninterrupted intercommunication between the Atlantic and the Pacific. Excepting, possibly, Arctic explorations, in all the romantic history of ancient and modern commerce, in all the annals of the early navigators and explorers, there is no chapter that equals in interest the never-ceasing efforts to make the Central American Isthmus a natural highway for the world's commerce—a direct route of trade and transportation from the uttermost East to the uttermost West.

As early as 1536 Charles V ordered an exploration of the Chagres River to learn whether a ship canal could not be substituted for a then already existing wagon road, and Philip II, in 1561, had a similar survey made in Nicaragua for the same purpose. From that day to this the greatest minds in commerce and engineering have given their attention to the problem of an interoceanic waterway, and every conceivable plan has been considered, every possible road has been explored, every mile of land and sea have been gone over to find the best possible and practical solution of the problem.

The history of these early attempts is most interesting, but no longer of practical value or bearing upon present-day problems. Most of the efforts were wasted, much of it was ill advised, but the present can profitably consider the more important lessons of the past. It was written in the book of fate that this enterprise, the most important in the world of commerce and navigation, should be American in its ending as it had been in its practical beginning. From the day when the first train of cars crossed the Isthmus from Panama to Aspinwall to facilitate the transportation of passengers and freight across the narrow belt of land connecting the northern and southern continents, the imperative necessity of a ship canal was made apparent, just as that railway had followed the earlier wagon roads of the Spanish adventurers and their followers.

Natural conditions on the Isthmus materially enhance the physical difficulties to be overcome in canal construction. Even the precise locality or section best adapted to the purpose has for many years been a question of serious doubt. The Isthmus of Tehuantepec, the Nicaraguan route, by utilizing a lake of vast extent, and finally the narrow band of land and mountain chain at Panama, each offer distinct advantages peculiar to themselves, with corresponding disadvantages or local difficulties not met with in the others. Many other projects have been advanced; in all, at least some twenty distinct routes have been laid out by scientific surveys, but the most eminent American engineering talent, considering impartially the natural advantages and local obstacles, each upon their respective merits, finally decided upon the Isthmus, between the Bay of Panama and Limon Bay, in 1849, as the most feasible for the building of the railroad, and some fifty years later for the building of the isthmian canal. Every further study, survey, and inquiry have confirmed the wisdom of the earlier choice, which has been adopted as the best and the permanent plan of the American Government to build a canal at the expense of the nation, but for the ultimate benefit of all mankind.

The Panama Railway marked the beginning of a new era in the history of interoceanic communication. The great practical usefulness of the road soon made the construction of a canal a commercial necessity. The eyes of all the world were upon the Isthmus, but no nation made the subject a matter of more profound study and inquiry than the United States. One surveying party followed another, and every promising project received careful consideration. The conflicting evidence, the great engineering difficulties, the natural obstacles, and, most of all, the civil war delayed active efforts, but public interest continued to view the project with favor and demand an American canal.

During the late seventies a French commission made surveys and investigations on the Isthmus which terminated in the efforts of De Lesseps, who undertook to construct a canal, and, in 1879, called an international scientific congress to consider the project in all its aspects and determine upon a practical solution. The United States was invited to be present by two official delegates, and accordingly President Hayes appointed Admiral Ammen and A. C. Menocal, of the United States Navy, both of whom had been connected with surveys and explorations on the Isthmus. Mr. Menocal presented his plan for a canal by way of Nicaragua, but it was evident that the Wyse project, of a canal by way of the Isthmus of Panama, had the majority in its favor, and the only question to determine was whether the canal to be constructed should be a sea-level or a lock canal. The American delegates were convinced, in the light of their knowledge and experience, that a sea-level canal would be impracticable, if not impossible. In this they were seconded by Sir John Hawkshaw, thoroughly familiar with canal problems, and who exposed the hopelessness of an attempt to make a sea-level ship canal, pointing out that there would be a cataract of the Chagres River at Matachin of 42 feet, which in periods of flood would be 78 feet high, of a body of water that would be 36 feet deep, with a width of 1,500 feet. Opposition to the sea-level project proved to no purpose.

The facts were ignored or treated with indifference by the French, who were determined upon a canal at Panama and at sea level, resting their conclusions upon the success at Suez, with which enterprise, in addition to De Lesseps, many of those present at the congress had been connected. But the problems and conditions to be met on the Isthmus of Panama were decidedly different from those at Suez, and subsequent experience proved the serious error of the sea-level plan as finally adopted. The congress included a large assemblage of nonprofessional men, and of the French engineers present only one or two of whom had ever been on the Isthmus. The final vote was seventy-five in favor of and eight opposed to a sea-level canal. Rear-Admiral Ammen said: "I abstained from voting on the ground that only able engineers can form an opinion *after careful study* of what is actually possible and what is relatively economical in the construction of a ship canal." Of those in favor of a sea-level canal not one had made a practical and exhaustive study of the facts. The project at this stage was in a state of hopeless confusion. In spite of these obstacles, De Lesseps, with undaunted courage, proceeded to organize a company for the construction of a sea-level canal.

As soon as possible after the adjournment of the Scientific Congress of 1879 the Panama Canal Company was organized, with Ferdinand de Lesseps as president. The company purchased the Wyse concession, and by 1880 sufficient funds had been secured to proceed with the preliminary work. The next two years were used for scientific investigation, surveys, etc., and the actual work commenced in 1883. The plan adopted was for a sea-level canal, having a depth of 29.5 feet and a bottom width of 72 feet. This plan in outline and intent was adhered to practically to the cessation of operations in 1888.

In that year operations came to an end for want of funds. The failure of the company proved disastrous to a very large number of shareholders, mostly French peasants of small means, and for a time the cause of interoceanic communication by way of Panama seemed hopeless. The experience proved the utter impossibility of private enterprise carrying forward a project which had attained a stage where large additional funds were needed to make good enormous losses due to errors in plans, miscarriage of effort, and last, but not least, to fraud on a stupendous scale. With admirable courage, however, the affairs of the old company were reorganized after the appointment of a receiver on February 4, 1889. Proceeding this time

with extreme caution, a special scientific commission was appointed to reinvestigate the entire project and report upon the work actually accomplished and its value in future operations.

The commission, made up of eminent engineers, rendered its report on May 5, 1890. The recommendation was for the construction of a canal with locks, the abandonment of the sea-level idea, and a further and more careful reconsideration of the facts on a large scale, upon the ground that the accumulated data were "far from possessing the precision essential to a definite project." This lifted the subject of canal construction out of the domain of preconceived ideas and guesswork into the substantial field of a scientific undertaking for commercial purposes.

The subsequent history of the De Lesseps project and the American effort for a practicable route across the Isthmus are still fresh in our minds and require not to be restated. The Spanish-American war and the voyage of the *Oregon* by way of Cape Horn more than any other causes combined to direct the attention of the American people to conditions on the Isthmus, and led to the public demand that by one route or another an American waterway should be constructed within a reasonable period of time and at a reasonable cost. It will serve no practical purpose to recite the facts and chain of events which led to the passage of the act of March 3, 1899, which authorized the President to have a full and complete investigation made of the entire subject of isthmian canals.

A million dollars was appropriated for the expenses of the Commission, and in pursuance of the provisions of the act the President appointed a Commission consisting of Rear-Admiral Walker, United States Navy, president, and nine members eminent in their respective professions as experts or engineers. A report was rendered under date of November 30, 1901. In this report the cost of constructing a canal by way of Nicaragua was estimated at $189,864,062, and by way of Panama at $184,233,358, including in the last estimate $40,000,000 for the estimated value of the rights and property of the New Canal Company. The company, however, held its property at a much higher value, or some $109,000,000, which the Commission considered exorbitant, and thus the only alternative was to recommend the construction of a canal by way of the Nicaraguan route. Convinced, however, that the American people were in earnest, the New Panama Company expressed a willingness to reconsider the matter, and finally agreed to the purchase price fixed by the Isthmian Commission.

By the Spooner Act, passed June 28, 1902, Congress authorized the President to purchase the property of the New Panama Canal Company for a price not exceeding $40,000,000, the title to the property having been fully investigated and found valid. The Isthmian Commission, therefore, recommended to Congress the purchase of the property, but the majority of the Senate Committee on Interoceanic Canals disagreed, and it is only to the courage and rare ability of the late Senator Hanna and his associates, as minority members of the committee, that the nation owes it that the Nicaraguan project was abandoned and that the Panama Canal was acquired at a reasonable price and made a national enterprise.

The report of the minority members of the Senate committee was made under date of May 31, 1902. It is, without question, a most able and comprehensive dissertation upon the subject, and forms a most valuable addition to the truly immense literature of isthmian canal construction. The report was signed by Senators Hanna, Pritchard, MILLARD, and KITTREDGE. "We consider," said the committee, "that the Panama route is the best route for an isthmian canal to be owned, constructed, controlled, and protected by the United States." It was a bold challenge of the conclusions of the majority members of the committee, but in entire harmony with, and in strict conformity to, the views and final conclusions of the Isthmian Commission. The minority report was accepted by the Congress and a canal at Panama became an American enterprise for the benefit of the American people and the world at large.

Such, in broad outline, is the present status of the Panama Canal. A grave question presents itself at this time, which demands to be disposed of by Congress, and to which all others are subservient. Shall the waterway be a sea-level or a lock canal? It is a question of tremendous importance—a question of choice equally as important as the one of the route itself. A choice *must* be made, and it must be made soon. All the subsidiary work, all the related enterprises, depend upon the fundamental difference in type. Opinions differ as widely to-day as they did at the time when the project was first considered by the international committee in 1879. Engineers of the highest standing at home and abroad have expressed themselves for or against one type or the other, but it is a question upon which no complete agreement is possible. In theory a sea-level canal has unquestionable advantages, but practically the elements of cost and time necessary for the construction preclude to-day, as they did in 1894, when the new canal company recommenced active operations, the building of a sea-level canal. It is *not a question of the ideally most desirable, but of the practically most expedient*, that confronts the American people and demands solution.

The New Panama Canal Company had approved the lock plan, which placed the minimum elevation of the summit level at 97.5 feet above the sea and a maximum level at 102.5 feet above the same datum. In the words of Prof. William H. Burr:

> It provided for a depth of 29.5 feet of water and a bottom width of canal prism of about 98 feet, except at special places where this width was increased. A dam was to be built near Bohio, which would thus form an artificial lake, with its surface varying from 52.5 to 65.6 feet above the sea. The location of this line was practically the same as that of the old company. The available length of each lock chamber was 738 feet, while the available width was 82 feet, the depth in the clear being 32 feet 10 inches. The lifts were to vary from 26 to 33 feet. It was estimated that the cost of finishing the canal on this plan would be $101,850,000, exclusive of administration and financing.

The Isthmian Commission of 1899–1901 considered the project, reexamined into the facts, and, as stated by Professor Burr—

> The feasibility of a sea-level canal, but with a tidal lock at the Panama end, was carefully considered by the Commission, and an approximate estimate of the cost of completing the work on that plan was made. In round numbers this estimated cost was about $250,000,000, and *the time required to complete the work would probably be nearly or quite twice that needed for the construction of a canal with locks.* The Commission therefore adopted a project for the canal with locks. Both plans and estimates were carefully developed in accordance therewith.

Professor Burr, *now* in favor of a sea-level canal, *then* concurred in the report in favor of a lock canal.

Since the Panama Canal became the property of the nation a vast amount of necessary and preliminary work has been done preparatory to the actual construction of the canal. A complete civil government of the Canal Zone has been established, an army of experts and engineers has been organized, the work of sanitation and police control is in excellent hands, and the Isthmus, or, more properly speaking, the Canal Zone, is to-day in a better, cleaner, and healthier condition than at any time in its history. A considerable amount of excavation and necessary improvements in transportation facilities has been carried to a point where further work must stop until the Isthmian Commission knows the final plan or type of the canal. The reports which have been made of the work of the Commission during its two years of actual control are a complete and affirmative answer to the question whether what has been done so far has been done well and wisely, and the facts and evidence prove that the present state of affairs on the Isthmus are in all respects to the credit of the nation.

Now, it is evident that the question of plan or type of canal is largely one for engineers to determine, but even a layman can form an intelligent opinion, without entering into all the details of so complex a problem as the relative advantage or disadvantage of a sea-level versus a lock canal. This much, however, is readily apparent, that a sea-level canal will cost a vast amount more money and may take twice the time to build, while it will not accommodate a larger traffic or ships of a larger size. A lock canal can be built which will meet all requirements; it can be built deep enough and wide enough to accommodate the largest vessels afloat; it can be so built that transit across the Isthmus can be effected in a reasonably short period of time—in a word, it is a practical project, which will solve every pending question involved in the construction of a transisthmian canal in a practical way, at a reasonable cost, and within a reasonable period of time.

To determine the question the President appointed an international Board of Consulting Engineers. The Board was constituted of the world's foremost men in engineering science, and the report is without question a most valuable document. The President, in his address to the members of the Board on September 11, 1905, outlined his views with regard to the desirability of a sea-level canal, if such a one could be constructed at a reasonable cost and within a reasonable time.

> If to build a sea-level canal—
>
> He said—
>
> will but slightly increase the risk and will take but little longer than a multilock high-level canal, this, of course, is preferable. But if to adopt the plan of a sea-level canal means to incur great hazard and to incur indefinite delay, then it is not preferable.

The problem as viewed by the American people could not be more concisely stated. Other things equal, a sea-level canal, no doubt, would be preferable; but it remains to be shown that such a canal would in all essentials provide safe, cheap, and earlier navigation across the Isthmus than a lock canal.

For, as the President further said on the same occasion, there are two prime considerations: First, the utmost practical speed of construction; second, the practical certainty that the pro-

posed plan will be feasible; that it can be carried out with the minimum risk; and in conclusion that—

There may be good reason why the delay incident to the adoption of a plan for an ideal canal should be incurred; but if there is not, then I hope to see the canal constructed on a system which will bring to the nearest possible date in the future the time when it is practicable to take the first ship across the Isthmus—that is, which will in the shortest time possible secure a Panama waterway between the oceans of such a character as to guarantee permanent and ample communication for the greatest ships of our Navy and for the largest steamers on either the Atlantic or the Pacific. The delay in transit of the vessels owing to additional locks would be of small consequence when compared with shortening the time for the construction of the canal or diminishing the risks in the construction. In short, I desire your best judgment on all the various questions to be considered in choosing among the various plans for a comparatively high-level multilock canal, for a lower-level canal with fewer locks, and for a sea-level canal. Finally, I urge upon you the necessity of as great expedition in coming to a decision as is compatible with thoroughness in considering the conditions.

The Board organized and met in the city of Washington on September 1, 1905, and on the 10th of January, 1906, or about four months later, made its final report to the President through the Secretary of War. The Board divided upon the question of type for the proposed canal, a majority of eight—five foreign engineers and three American engineers—being in favor of a canal at sea level, while a minority of five—all American engineers—favored a lock canal at a summit level of 85 feet. The two propositions require separate consideration, each upon its own merits, before a final opinion can be arrived at as to the best type of a waterway adapted to our needs and requirements under existing conditions.

Upon a question so involved and complex, where the most eminent engineers divide and disagree, a layman can not be expected to view the problem otherwise than as a business proposition which, demanding solution, must be disposed of by a strictly impartial examination of the facts. Weighed and tested by practical experience in other fields of commercial enterprise, it is probably not going too far to say, as in fact it has been said, that there is entirely too much mere engineering opinion upon this subject and not a well-defined concentrated mass of data and solid convictions. It is equally true, and should be kept in mind, that the time given by the Board to the consideration of the subject in all its practical bearings, including an examination of actual conditions on the Isthmus, was limited to so short a period that it would be contrary to all human experience that this report should represent an infallible or final verdict for or against either of the two propositions.

It is necessary to keep in mind certain facts which may be concisely stated, and which I do not think have been previously brought to the attention of Congress. While the Board had been appointed by the President on June 24, 1905, the first business meeting did not take place until September 1, and the final meeting of the full Board occurred on November 24 of the same year. This was the twenty-seventh meeting during a period of eighty-five days, after which there were three more meetings of the American members, the last having been held on January 31, 1906. Thus the actual proceedings of the full Board were condensed into twenty-seven meetings during less than three months, a part of which time—or, to be specific, six days—was spent on the Isthmus.

The minutes of the proceedings have been printed and form a part of the final report made to the President under date of January 10, 1906. They do not afford as complete an insight into the business transactions of the Board as would be desirable, and the evidence is wanting that the subject was as thoroughly discussed in all its details, with particular reference to the two propositions of a sea-level or a lock canal, as would seem necessary. Very important features necessary to the sea-level plan were treated in the most superficial way, guessed at, or wholly ignored. I do not hesitate to say that no banking house in the world called upon to provide the funds necessary for an enterprise of this magnitude as a private undertaking would advance a single dollar upon a project as it is here presented by the majority of the Board to the American Congress as the final conclusion of engineers of the highest standing. The Board, as I have said, divided upon the question and by a majority of eight pronounced in favor of a sea-level against a minority of five in favor of a lock canal. Let us inquire how this conclusion, of momentous importance to the nation, was arrived at and whether the minutes of the Board furnish a conclusive answer.

As early as the sixth meeting, or on September 16—that is, after the Board had been only fifteen days in existence—a resolution was introduced by Mr. Hunter, chief engineer of the Manchester Ship Canal, requesting that a special committee be appointed to prepare at once a project for a sea-level canal.

Mr. SPOONER. What was the date of the resolution with respect to the lock canal?

Mr. DRYDEN. October 3, seventeen days afterwards.

In marked contrast, it was not until after the Board had visited the Isthmus and while the members were on their way home—that is, at sea—on October 3, that, on motion of Mr. Stearns, a corresponding committee was appointed to prepare plans for a lock canal. This recital of dates is of very considerable importance, for it is evident that there was a decided and early preference on the part of certain members of the Board for a sea-level canal, and that to this particular project more attention was given and a more determined attempt was made to secure data in its defense than to the corresponding project for a lock canal.

That is to say, while the special committee for the consideration of a sea-level canal had been appointed on September 16, the corresponding committee to consider the lock project was not appointed until October 3, or seventeen days later, with the additional disadvantage of the Board being on the ocean, with no opportunity to send for persons and papers during the short period of time remaining to take into due consideration all the facts pertaining to a lock canal, for, as I have said before, the last business meeting was held on November 24.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Ohio?

Mr. DRYDEN. Certainly.

Mr. FORAKER. I would ask the Senator whether on the 16th of September, when this motion was made by Mr. Hunter, if I remember correctly, the Board of Engineers had completed their investigations and explorations on the Isthmus? I did not observe.

Mr. DRYDEN. No.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from South Dakota?

Mr. DRYDEN. I yield.

Mr. KITTREDGE. If the Senator from New Jersey will permit me, I will be glad to answer the question of the Senator from Ohio. The Board of Consulting Engineers sailed from New York on the 28th of September for the Isthmus and returned about the middle or 20th of October.

Mr. FORAKER. Sailed from the Isthmus?

Mr. KITTREDGE. Sailed from New York for the Isthmus.

Mr. FORAKER. Then the motion was made by Mr. Hunter before the Board of Engineers left the United States.

Mr. KITTREDGE. Certainly; to appoint a committee of investigation.

Mr. DRYDEN. I should like to say at this point that while I have gladly yielded to Senators, I think it is quite probable that before I get through I shall cover any questions that may be asked. I would prefer to complete my remarks, and then I shall be very glad to answer any questions that Senators may choose to ask.

Mr. FORAKER. I beg pardon.

Mr. DRYDEN. I was glad to yield to the Senator.

Mr. FORAKER. The speech is a very interesting one.

Mr. DRYDEN. There is nothing in the minutes of the Board which discloses that either proposition received the necessary deliberate consideration of the extremely complex and important details entering into the two respective projects, but it is evident that regarding the sea-level proposition at least, there was a decided bias practically from the outset which matured in the majority report favoring that proposition. What was in the minds of the members, what was done outside of the Board meetings, by what means or methods conclusions were reached, has not been made a matter of record, and is not therefore, within the knowledge of Congress.

It is true that the respective reports of the two committees were brought before the Board as a whole on November 14 and that the subject was discussed at some length on November 18, at which each member of the Board expressed his views for or against either of the two projects. But there remained but ten days before the last business meeting of the Board was held, when the foreign members sailed for home. The final reports, as they are now before Congress, apparently never received the proper and extended consideration of the Board as a whole, and the minority report favoring a lock canal seems never to have been discussed upon its merits at all. When I recall the very different procedure of the technical commission appointed by the New Panama Canal Company, which extended its consideration of the subject from February 3, 1896, to September 8, 1898, during which time ninety-seven stated meetings and a large

number of informal meetings were held, I say I can but think that from a practical business point of view, casting no reflection upon either the ability or the fairness of judgment of the members of the International Board, the mere element of time should weigh decidedly in favor of the verdict of the technical commission of 1898, which was unanimous for a lock canal.

Of the technical commission of 1896–1898, Mr. Hunter, chief engineer of the Manchester Ship Canal, was a member, and he, at that time and without a word of dissent, joined the other members in giving the unanimous and emphatic expression of the committee in favor of a lock canal.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. DRYDEN. Certainly.

Mr. TELLER. Will the Senator kindly repeat the date of that?

Mr. DRYDEN. Of the technical commission of 1896–1898. Mr. Hunter, the chief engineer of the Manchester Canal, was a member. The technical commission was of the new French company.

Mr. TELLER. You refer to the commission of the new French company?

Mr. DRYDEN. Yes, sir; the commission of the new French company.

Why he should now change his views and convictions and why he should now be so emphatic and pronounced in favor of a sea-level project is not set forth in anything that has been printed or been communicated to the Senate Committee on Interoceanic Canals. This hurried action, this scanty consideration, as I have stated, is the foundation upon which the advocates of the sea-level plan rest their appeal for support. This is the report and the evidence upon which Congress is requested to pronounce in favor of a sea-level project and give its indorsement to a plan which will involve the country in at least of $100,000,000 of additional expenditure and which will delay the opening of the canal for practical purposes of navigation possibly for ten years or more after the lock canal can be finished and opened for use.

The Isthmian Commission restates certain points in a clear and precise way, which leaves no escape from the conclusion that both as to time and cost the majority members of the Board materially underestimated important factors, and that they have every reason to believe that the total estimate of cost of a sea-level canal should be raised to $272,000,000, and that the estimate of time for construction should be increased to at least fifteen and a half years. But under certain readily conceivable conditions it is practically certain that the construction of a sea-level canal will consume not less than twenty years.

The Isthmian Commission reexamined carefully the question of relative efficiency of the proposed sea-level canal compared with a lock canal, and they pronounce emphatically and unequivocally in favor of the lock project. They consider that the assumed danger from accidents to locks by passing vessels or otherwise, as greatly exaggerated, and hold that while no doubt accidents may occur, and possibly will occur, such dangers can and will be sufficiently guarded against by an effective method of supervision and control. They hold that a lock canal properly constructed and managed is in no sense a menace to the safety of vessels, and that such practical experience, and particularly the half century of successful operation of the Soo Canal, has demonstrated the contrary beyond dispute. They point out that the canal with locks at a level of 85 feet will be a waterway three times the size, in navigable area, of the projected sea-level canal, and that omitting the locks from consideration will therefore afford three times the shipping facilities.

They show that in the sea-level canal there will be many and serious curves, while in the lock canal the courses are straight and changes of direction will be made at intersecting tangents, the same as in our river navigation, in which serious accidents are practically unknown. They show that the courses in a lock canal can be marked with ranges which will greatly facilitate navigation, particularly at night. The Commission points out that the argument of the majority of the Board, that locks will limit the traffic capacity of the canal, carries very little, if any, weight, and they refer to the experience of the Soo Canal, through which there passes annually a larger traffic than through all the other ship canals of the world combined.

Finally, the Isthmian Commission discusses the cost of operation and maintenance. The majority of the Board submit no details upon this most important item in canal construction and subsequent operation. What banking house in the world would advance a single dollar upon a canal or railway project upon a mere statement of the probable ultimate cost, but with no corresponding information as to cost of maintenance and operation? Having been appointed to reexamine into all the facts, and, so to speak, reconsider the entire project, the majority seriously erred in omitting from their report the necessary data and calculations for an accurate and trustworthy estimate of the cost of operation and maintenance of a sea-level canal.

From this point of view and in the light of the facts as presented by the Board for or against either project, the Isthmian Commission could not consistently act otherwise than give their final approval to the more specific and practical recommendations of the minority members of the Board, and they properly say that "*it appears that the canal proposed by the minority of the Board of Consulting Engineers can be built in half the time and for a little more than half of the cost of the canal proposed by the majority of the Board.*" They advance a number of specific reasons why a lock canal when completed will for all practical purposes—commercial, military, and naval—be a better canal than a sea-level waterway with a tidal lock, as proposed by the majority members of the Board.

The report of the Board was carefully and critically examined by Chief Engineer Stevens, of the Isthmian Commission and in actual charge of engineering matters on the Isthmus. Mr. Stevens is a man of very large practical American engineering experience, and he adds to the findings of the Commission the weight of his authority, decidedly and unequivocally in favor of a lock canal. He states as the sum of his conclusions that, all things considered, the lock or high-level canal is preferable to the sea-level type, so called, for the reason that it will provide a safer and quicker passage for ships; that it will provide beyond question the best solution of the vital problem of how safely to care for the flood waters of the Chagres and other streams; that provision is offered in the lock project for enlarging its capacity to almost any extent at very much less expense of time and money than can be provided for by any sea-level plan; that its cost of operation, maintenance, and fixed charges, including interest, will be very much less than any sea-level canal, and that the time and cost of its construction will not be more than one-half that of a canal of the sea-level type; that the lock project will permit of navigation by night, and that finally, even at the same cost in time and money, Mr. Stevens would favor the adoption of the high-level lock canal plan in preference to that of the proposed sea-level canal.

To these observations and comments the Secretary of War, under whose supervision this great work is going on, adds his opinion decidedly and unequivocally in favor of a lock canal. In his letter to the President Mr. Taft goes into all the important details of the subject and reveals a masterly grasp of the situation as it confronts the American people at the present time. He calls attention to the fact that lock navigation is not an experiment; that all the locks in the proposed canal are duplicated, thereby minimizing such dangers as are inherent in any canal project, and he adds that experience shows that with proper plans and regulations the dangers are much more imaginary than real. He goes into the facts of the proposed great dam to be constructed at Gatun and points out that such construction is not experimental, but sustained by large American experience, which is larger, perhaps, than that of any other country in the world. He gives his indorsement to the views of the Isthmian Commission and its chief engineer that the estimated cost of time and money for completing a sea-level canal is not correctly stated by the majority members of the Board, and that the cost, in all probability, will be at least $25,000,000 more, while, in his opinion, eighteen to twenty years will be necessary to complete the sea-level project. He also holds that the military advantages will be decidedly in favor of a lock canal.

This is practically the present status of facts and opinions regarding the canal problem as it is now before Congress, except that since January the Senate Committee on Interoceanic Canals has collected a large mass of additional and valuable testimony. Restating the facts in a somewhat different way, Congress is asked to give its final approval to the sea-level proposition, chiefly favored by foreign engineers, and to give its disapproval to the project of a lock canal, favored by American engineers. Congress is asked to rely in the main upon the experience gained in the management of the Suez Canal, where the conditions are essentially and fundamentally different from what they are or ever will be on the Isthmus of Panama, and to disregard the more than fifty years' experience in the successful management of the lock canals connecting the Great Lakes. Congress is asked to pronounce against the lock canal because in the management of the ship canal at Manchester several accidents have occurred, due to carelessness or ignorance in navigation, and we are asked to disregard

the successful record of the Soo Canal, in the management of which only three accidents, of no very serious importance, have occurred during more than fifty years.

In no other country in the world has there been more experience with lock canals than in this. For nearly a hundred years the Erie Canal has been one of our most successful of inland waterways, connecting the ocean with the Great Lakes. The Erie Canal is 387 miles in length, has 72 locks, and is now being enlarged to accommodate barges of a thousand tons, at a cost of $101,000,000. We have the Ohio Canal, with 150 locks; the Miami and Erie Canal, with 93 locks; the Pennsylvania Canal, with 71 locks; the Chesapeake and Ohio Canal, with 73 locks; and numerous other inland waterways of lesser importance. It is a question of degree and not of kind, for the problem is the same in all essentials and confronts Congress as much in the proposed deep waterway connecting tidewater with the Great Lakes, in which locks are proposed with a lift of 40 feet, or more, or very considerably in excess of the proposed lift of the locks on the isthmian canal.

The proposed ship canal from Lake Erie to the Ohio River provides for 34 locks. The suggested canal from Lake Michigan to the Illinois and Mississippi rivers provides for 37 locks, and, finally, the projected ship canal from the St. Lawrence River to Lake Huron contemplates 22 locks. So that lock canals of exceptional magnitude are not only in existence, but new canals of this type are contemplated in the United States and Canada.

In other words, Congress is asked to regard with preference the judgment and opinions of foreign engineers and to disregard the judgment and opinions of American engineers. We are seriously asked to completely disregard American opinion, as voiced by the Isthmian Commission, responsible for the enterprise as a whole; as voiced by the Secretary of War, responsible for the time being for the proper execution of the work; as voiced by Chief Engineer Stevens, who stands foremost among Americans in his profession, and as finally voiced by all the engineers now on the Isthmus who have a practical knowledge of the actual conditions, and who are as thoroughly familiar as any class of men with the problems which confront us and with the conditions which will have to be met. I for one, leaving for the present out of consideration details which are subject to modification and change, believe that it will be a fatal error for the nation to commit itself to the practically hopeless and visionary sea-level project and to delay for many years the opening of this much needed waterway connecting the Atlantic with the Pacific. I for one am opposed to a waste of untold millions and to additional burdens of needless taxation, while the project of a lock canal offers every practical advantage, offers a canal within a reasonable period of time and at a reasonable cost, offers a waterway of enormous advantage to American shipping, of the greatest possible value to the nation in the event of war and the opportunity for the American people to carry into execution at the earliest possible moment what has been called the "dream of navigators," and which has thus far defied the engineering skill of European nations.

But in addition to the evidence presented for or against a sea-level or lock canal project by the two conflicting reports of the Board of Consulting Engineers, there is now available a very considerable mass of testimony of American engineers who were called as witnesses before the Senate Committee on Interoceanic Canals. The testimony has been printed as a separate document and makes a volume of nearly a thousand pages. Much of this evidence is conflicting, much of it is mere engineering opinion, much of it comes perilously near to being engineering guesswork, but a large part of it is of practical value and may safely be relied upon to guide the Congress in an effort to arrive at a final and correct conclusion respecting the type of canal best adapted to our needs and requirements.

A critical examination and review of this testimony, as presented to the Senate committee from day to day for nearly five months, including the testimony of administrative officers and others, relating to Panama Canal affairs generally, is not practicable at this late stage of the session. Among others, the committee examined Mr. John F. Stevens, chief engineer, upon all the essential points in controversy and regarding which, in the light of additional experience and a very considerable amount of new and more exact information, Mr. Stevens reaffirms his convictions in the practicability and superior advantages of a lock canal.

In opposition to the views and conclusions of Mr. Stevens, Prof. William H. Burr pronounced himself emphatically in favor of the sea-level project. As a member of the former Isthmian Commission, reporting upon the type of canal, Mr. Burr had signed the report in favor of the lock project, but as a member of the Board of Consulting Engineers he had sided with the majority favoring the sea-level canal. Thus engineering opinion is as apt as any other human opinion to undergo a change, and the convictions of one year in favor of a proposition may change into opposite convictions, favoring an opposite proposition only a few years later. Mr. William Barclay Parsons, also a member of the Board of Consulting Engineers, who had signed the report in favor of the sea-level project, gave further evidence before the committee, restating his views and convictions in favor of the sea-level type. Mr. William Noble, an engineer of large experience, for some years in charge of the Soo Canal and who, as a member of the Board of Consulting Engineers, had signed the report in favor of a lock project, restates his views and convictions in favor of the lock-level project. Mr. Noble had also been a member of the Isthmian Commission of 1902, reporting at that time in favor of a lock canal.

Mr. Frederick P. Stearns, the foremost American authority on earth-dam construction, gave evidence regarding the safety of the proposed dams at Gatun and other points. His views and conclusions are based upon large practical experience and a profound theoretical knowledge of the subject. Mr. Stearns had also been a member of the Consulting Board of Engineers and as such had signed the report of the minority in favor of the lock project. He reaffirmed his views favoring a lock canal with a dam at Gatun. Mr. John F. Wallace, former chief engineer, gave testimony in favor of the sea-level type and strongly opposed the lock project. Col. Oswald H. Ernst, United States Army, than whom probably few are more thoroughly familiar with conditions on the Isthmus and the entire project of canal construction, declared himself to be strongly in favor of the lock-canal project.

Gen. Peter C. Hains, United States Army, equally well qualified to express an opinion on the subject in all its important points, pronounced himself strongly and unequivocally in favor of a lock canal.

Gen. Henry L. Abbot, United States Army, one of the highest authorities on river hydraulics, thorougly familiar with Mississippi River flood problems, a former member of the International Technical Commission, of the New Panama Canal Company, and for a time its consulting engineer, a member of different isthmian commissions, and also a member of the consulting board, reemphasized his conviction, sustained by much valuable evidence, in favor of the lock canal project. General Abbot, as a member of the consulting board, had signed the report of the minority in favor of a lock canal. Gen. George W. Davis, United States Army, for a time the governor of the Canal Zone and president of the International Board of Consulting Engineers, restated his views and conviction as opposed to the lock canal type and in favor of the sea-level project. The last witness, Mr. B. M. Harrod, an engineer of large experience, for many years connected with levee construction and river flood problems of the Mississippi River, submitted a statement in which he restated his views in favor of a lock canal.

So that, summing up the evidence of twelve engineers examined before the committee (including Mr. Lindon W. Bates), there were eight American engineers strongly and unequivocally in favor of a lock canal, while four expressed their views to the contrary. Subjecting the mass of testimony to a critical examination, I can not draw any other conclusion or arrive at any other conviction than *that the lock project, in the light of the facts and large experience, has decidedly the advantage over the sea-level proposition.* And this view is strengthened by the fact that the opinion of the engineers most competent to judge—that is, men like Mr. Noble, who has thoroughly studied lock canal construction, management, and navigation, who as a member of the United States Deep Waterway Commission reexamined probably as thoroughly as any living authority into the entire subject of the mechanics and practice of lock canals, is emphatically opposed to the sea-level proposition.

When we find that a man like Mr. Stearns, of national and international reputation as a waterworks engineer, and who for many years has been in charge of the extensive construction work of the Massachusetts Metropolitan water and sewerage board, and who probably has as large a practical and theoretical knowledge of earth-dam construction as any living authority, declares himself to be strongly in favor of the lock project and believes in the entire safety of the dams required in connection therewith, I hold that such a judgment may be relied upon and that it should govern in national affairs as it would govern in private affairs if the canal construction were a business enterprise and involved the risk of private capital. When we find a man like Mr. Harrod, who for many years has been in charge of levee construction in Louisiana, thoroughly familiar with the theory and practice of river and flood control, express himself in favor of the lock project and in opposition to

the sea-level canal, I hold that we may with entire confidence accept his judgment as a governing principle in arriving at a final decision respecting the type of the canal to be finally fixed by the Congress.

And going back to the minority report of the Board of Consulting Engineers, there we find that Mr. Joseph Ripley, the general superintendent at present in charge of the Soo Canal, and Mr. Isham Randolph, chief engineer of the sanitary district of Chicago, and thoroughly familiar ith canal construction and management, both American engineers of much experience and high standing, pronounce themselves in favor of a lock canal. When confronted by these facts, it matters little to me if all the foreign engineers, of whatever standing or reputation, favor the sea-level type. I for one would rely upon American engineers, American conviction, and American experience, and accept the lock-canal proposition.

In this matter, as in all other practical problems, we may safely take the business point of view and calculate without bias or prejudice the respective advantages and disadvantages, and the more thorough the method of reasoning and logic applied to the canal problem, the more emphatic and incontrovertible the conclusion that the Congress should decide in favor of a plan which will give us a navigable waterway across the Isthmus within a measurable distance of time and with a reasonable expenditure of money, as opposed to a visionary theory of an ideal canal which may ultimately be constructed, possibly for the exclusive benefit of future generations, but at an enormous waste of money, time, and opportunity. I do not think we want to repeat at this late stage of the canal problem the fatal error of De Lesseps, who, when he had the opportunity in 1879 to make a choice of a practical waterway, was influenced by his great success at Suez, and upon the most fragmentary evidence, and in the absence of definite knowledge of actual conditions, decided beforehand in favor of a sea-level canal. It was largely his bias and prejudice which proved fatal to the enterprise and to himself.

I may recall that the so-called "international congress of 1879" was a mere subterfuge; that the opinions of eminent engineers, including all the Americans, were opposed to a sea-level project and in favor of a lock canal, but De Lesseps had made his plans, he had arrived at his decision, and in his own words, at a meeting of the American Society of Civil Engineers, held in January, 1880, said "I would have put my hat on and walked out if any other plan than a sea-level canal project had been adopted."

The situation to-day is very similar to the critical state of the canal question in 1902. What was then a question of choice of route is to-day a question of choice of plan.

What was then a geographical conflict is to-day a conflict of engineering opinions. It has been made clear by the reference to the report of the Board of Consulting Engineers and the testimony of the engineers before the Senate committee that the opinion of eminent experts is so widely at variance that there is little, if any, hope of an ultimate reconciliation. It is a choice of one plan or another—of a sea-level or a lock canal. In respect to either plan a mass of testimony and data exists, which has been brought forward to sustain one view or another. In respect to either plan there are advantages and disadvantages. The majority of the Senate Committee on Interoceanic Canals have reported favorably a bill providing for the construction of a canal at sea level. From this majority opinion the minority of the committee emphatically and unequivocally dissent, and in their report express themselves in favor of the lock canal.

The minority report calls attention to the changed conditions and requirements which now demand a canal of much larger dimensions than originally proposed. Even as late as 1901 the depth of the canal prism was only to be 35 feet, against 40 to 45 feet in the project of only five years later. The bottom width has been increased from 150 to 200 feet and over. The length of the locks, in the lock project, has been changed from 740 to 900 feet, and the width from 84 to 90 feet. These facts must be kept in mind, for they bear upon the questions of time and cost, and a sea-level or lock canal, as proposed to-day, is in all respects a very much larger affair, demanding very superior facilities for traffic, to any previous canal project ever suggested or proposed. This change in plans was made necessary by the Spooner Act, which provides for a canal of such dimensions that the largest ship now building, or likely to be built within a reasonable period of time, can be accommodated.

Now, the estimated saving in money alone by adopting the lock plan—that is, on the original investment, to say nothing of accumulating interest charges—would be at least $100,000,000. Granting all that is said in favor of a sea-level canal, it is not apparent by any evidence produced that such a canal would prove a material advantage over a lock canal. All its assumed advantages are entirely offset by the vastly greater cost and longer period of time necessary for construction, and I am confident that they would not be considered for a moment if the canal were built as a commercial enterprise. I do not think that they should hold good where the canal is the work of the nation, because a vast sum of money, useful and necessary for other purposes, will be eventually sunk if the sea-level project is adopted, and entirely upon the theory that *if* certain conditions should arise that *then* it would be better to have a sea-level than a lock canal. We have never before proceeded in national undertakings upon such an assumption; we have never before, as far as I know, deliberately disregarded every principle of economy in money and time; we have never before in national projects attempted to conform to ideal conceptions, but we have always adhered to practical, hard, common-sense notions of *what is best* under the circumstances.

The majority of the committee attacks the proposition that the proposed lock canal shall have "locks with dimensions far exceeding any that have ever been made." If this principle were adopted in every other line of human effort all advancement would come to an end—even the canal enterprise itself—for, as it stands to-day, it far exceeds in magnitude any corresponding effort ever made by this or any other nation. They say that the proposed flight of three locks at Gatun would be objectionable and unsafe, but we have the evidence of American engineers of the highest standing, whose reputations are at stake, who are absolutly confident that these locks can be constructed and operated with entire safety. The committee say that "the entry through and exit from these contiguous locks is attended with very great danger to the lock gates and to the ships as well;" but if mere inherent danger of possible accidents were an objection there would be no great steamships, no great battle ships, no great bridges and tunnels, no great undertakings of any kind.

The committee point out that accidents have occurred in the "Soo" Canal and in the Manchester Ship Canal; but the conditions, in the first place, were decidedly different, and, in the second place, they proved of no serious consequence as a hindrance to traffic or material injury to the canal. The "Soo" Canal has been in operation as a lock canal for some fifty years; it has been enlarged from time to time, and to-day accommodates a larger traffic than passes through all the ship canals of the world combined. It is a sufficient answer to the objections to say that this experience should have a determining influence in arriving at a final conclusion, for the inherent problems of lock-canal construction are as well understood by American engineers as any other problems or questions in engineering science. The proposed deep waterway with a 30-foot channel from Chicago to tide water, which has been surveyed by direction of Congress, proposes an expenditure of $303,000,000, and several locks with a lift of 40 feet or more. The enlargement of the Erie Canal by the State of New York at an expenditure of $101,000,000 involves engineering problems, including lock construction, not essentially different from those inherent in the lock-canal project at Panama; and if these problems can be solved by our engineers at home, it stands to reason that we may rely upon their judgment that they can be solved at Panama.

The majority of the Senate committee objects to the proposed dam at Gatun, and says that—

> Earth dams founded on the drift and silt of ages, through which water habitually percolates, to be increased by the pressure of the 85-foot lock when made, has been referred to by many of our technical advisers as another element of danger. The vast masses of earth piled on this alluvial base to the height of 135 feet will certainly settle, and as the drift material of this base or foundation has varying depth, to 250 feet or more, the settlement of the new mass, as well as its base, will be unequal, and it is predicted that cracks and fissures in the dam will be formed, which will be reached and used by the water under the pressure above mentioned, and will cause the destruction of the dam and the draining off of the great lake upon which the integrity of the entire canal rests.

But all of this is mere conjecture. The evidence of Engineer Stearns, a man of large experience, and of Engineer Harrod, familiar with river hydraulics and levee construction, and many others, is emphatically to the contrary. There is not an American engineer of ability, nor an American contractor of experience, who would not undertake to build the proposed dam at Gatun and guarantee its safety and permanency without any hesitation whatever. The alternative proposal of a dam at Gamboa would be as objectionable upon much the same ground, and the dam there, which is indispensable to the sea-level project, has also been considered unsafe by some of the engineers. In all questions of this kind the aggregate experience of mankind ought to have greater weight than the abstract theories of individuals, and I am confident that our engineers, who have so

successfully solved problems of the greatest magnitude in the reclamation projects of the far West, and in the control and regulation of the floods of the Mississippi River, will solve with equal success similar problems at Panama.

The committee further says that the sea-level project contemplates the removal of some 110,000,000 cubic yards of material, while the lock canal would require the removal of only about half that amount, and that, in other words, there is a difference of some 57,000,000 cubic yards, which, "to omit to take out * * * is to confess our impotence, which is not characteristic of the American people or their engineers or contractors." By this method of reasoning a nation which can build a battle ship of 16,000 tons displacement is impotent if it can not build one of twice that tonnage, and if this reason applies to quantity of material, why not say that a nation which can dig a canal 150 feet wide through a mountain some 7 miles in length admits its impotence if it can not dig one 300 feet wide, or 600 feet, if it should please to do so? But why should it be less difficult or a declaration of impotency on the part of our engineers to build a safe lock canal, including a satisfactory and safe controlling dam at Gatun? As I conceive the problem, it is one of reasonable compromise, and while I do not question the ability of American engineers and contractors to build a sea-level canal, I am convinced by the facts in evidence that they can not do it within the time and for the money assumed by the advocates of the sea-level project.

This question of *time* is of supreme importance. Ten years in a nation's life is often a long space in national history. Many times the map of the world has been changed in less than a decade. No man in 1890 anticipated the war with Spain in 1898, and no man in 1906 can say what may not happen before the next decade has passed. The progress during peace is far greater in its permanent effect than the changes brought about by war. The world's commerce, the social, commercial, and political development of the South American republics and of Asiatic nations, all depend, more or less, upon the completion of an isthmian waterway. It is the duty of this nation, since we have assumed this task, to construct a waterway across the Isthmus within the shortest reasonable period of time. Valuable years have passed, valuable opportunities have gone by. In 1884 De Lesseps, with supreme confidence and upon the judgment of his engineers, anticipated the opening of the Panama Canal in 1888. That was nearly twenty years ago. Shall it be twenty years more before that greatest event in the world's commercial history takes place? Had De Lesseps, in 1879, gone before the International Congress with a proposition for a feasible canal at reasonable cost, free from prejudice or bias, had he then adopted the American suggestion for a lock canal, he would have lived to see its completion, and the world for fifteen years would have had the use of a practical waterway across the Isthmus.

As to safety in operation, which the committee discuss in their report, there is one very important point to be kept in mind, and that is that nine-tenths, or possibly a larger proportion, of shipping will be of vessels of relatively small size. If this should be the case, then the sea-level project contemplates a canal chiefly designed to meet the possible needs and contingencies of a very small number of vessels of largest size, while the lock canal provides primarily for the accommodation of the class of steamships which of necessity would make the largest practical use of the isthmian waterway. Now, it stands to reason that special precautions would be employed during the passage of a very large vessel, either merchantman or man-of-war, and even if necessity should demand the rapid passage of a fleet of vessels, say twenty or thrity, it is not conceivable that a condition would arise which could not be efficiently safeguarded against by those in actual charge and responsible for the safety in the management of the canal. Considering the immense tonnage passing through the "Soo" Canal, which would not pass through the Panama Canal for a century to come, the very few and relatively unimportant accidents which have occurred during the fifty years of operation of that waterway are in every respect the most suggestive indorsement of the lock-canal project which could be advanced.

The time of transit, in the opinion of the majority committee of the Senate, would be somewhat longer in the case of a lock canal. This may be so, though much depends upon the class of ships passing through and their number. To the practical navigator the loss of a few hours would be a negligible quantity compared with the higher tolls that would have to be charged if an additional $100,000,000 is expended in construction and an additional interest burden of at least $2,000,000 per annum has to be provided for. I understand that the actual value of an hour or two in the case of commercial ships of average size would be a matter of comparatively no importance in contrast with the all-suggestive fact that the alternative project of a sea-level canal would provide no navigation whatever across the Isthmus for probably ten years more. If it is an advantage to gain an hour or two in transit ten years hence by having no trans-Isthmian shipping facilities for the ten years in the meantime, then it might as well be argued that it would be better to project a sea-level canal 300 feet wide at every point, so that the commerce of the year 2000 may be properly provided for. But to the practical navigator of the year 1916, who leaves the port of New York for San Francisco by way of Cape Horn, a possible loss of two or three hours or more would be many times preferable, if the Isthmus were open for traffic, to a certain loss of from forty to fifty days to make the voyage all around South America.

Upon the question of cost of maintenance the majority committee in their report point out that the Board of Consulting Engineers did not submit the details of any estimate of cost of maintenance, repairs, etc., but they say that this factor was properly taken into account by the minority, favoring a lock canal. Now, there is probably no more important question connected with the whole canal problem than this, for if the annual expense of maintenance, to be provided for by Congressional appropriations, should attain to such an exorbitant figure as to make any fair return upon the investment impossible, it is conceivable that the most serious political and financial consequences might arise and the success of the enterprise itself might be placed in jeopardy. Upon a maximum cost, in round figures, of $200,000,000 for a lock canal, and of $300,000,000 as a minimum for a sea-level canal, the additional annual interest charge would be at least $2,000,000 more.

But Mr. Stearns estimates that under certain conditions a sea-level canal might cost as much as $410,000,000, which would add millions of dollars more per annum to the fixed charges which must be included in the cost of maintenance, to say nothing of a possibly much higher cost of operation. I also can not agree to the statement that the cost of operation of a sea-level canal would be $800,000 per annum less than in the case of a lock canal; but, on the contrary, I am fully satisfied that the expense would be very much greater in the sea-level project if proper allowance is made for interest charges upon the additional outlay, which can not be rightfully ignored. Upon this important point the evidence of the engineers and of the minority members of the Board is strongly in favor of the lock-canal project.

As regards ultimate cost, the estimates of the majority are very much more indefinite and conjectural than the more carefully prepared estimates of the minority of the Board of Consulting Engineers. Upon this point the majority of the Senate committee say:

> There are two estimates now before the Senate, both originating with the Board of Consulting Engineers. The basis of computation of cost at certain unit prices was adopted unanimously by the Board, and we are told that the cost, with the 20 per cent allowance for contingencies, will be, for the sea-level canal, the sum of $247,021,200. Your committee has adopted the figures stated by the majority on page 64 of its report of a total of $250,000,000 for the ultimate final cost of the sea-level canal.

The estimate of the minority for a lock canal at a level of 85 feet is, in round figures, $140,000,000, or about $110,000,000 less than for a sea-level canal, which would represent a difference of $2,200,000 per annum in interest charges at the lowest possible rate of 2 per cent. The majority of the Senate committee attempt to meet this difference by capitalizing the estimated higher maintenance charge, which they fix at $800,000 per annum, and they thus increase the total cost of a lock canal by $40,000,000; but this, I hold, involves a serious financial error, unless a corresponding allowance is made for the ultimate cost of the sea-level project. There is, however, no serious disagreement upon the point that a sea-level canal in any event would cost a very much larger sum as an original outlay, certainly not less than $120,000,000 more, and in all probability, in the opinion of qualified engineers, including Mr. Stevens, the chief engineer, possibly twice that sum.

Reference is made in the report to the probable value of the land which will be inundated under the lock-canal project with a dam at Gatun, and the value of which has been approximately placed at $300,000. The majority of the Senate committee estimate that this amount might reach $10,000,000, or as much as was paid for the entire Canal Zone. The estimate is based upon the price of certain lands required by the Government near the city of Panama, but one might as well estimate the worth of land in the Adirondacks by the prices paid for real estate in lower New York. The item, no doubt, requires to be properly taken into account, but two independent estimates fix the probable sum at $300,000 for lands which are otherwise practically valueless and which would only acquire

value the moment the United States should need them. In my opinion, the value of these lands will not form a serious item in the total cost of the canal, and I have every reason to believe that independent estimates of the minority engineers of the Consulting Board, and of Mr. Stevens, may be relied upon as conservative.

The majority of the Senate committee further say that—

It is not necessary to dwell upon the fact that all naval commanders and commercial masters of the great national and private vessels of the world are almost to a man opposed unalterably to the introduction of any lock to lift vessels over the low summit that nature has left for us to remove.

I am not aware that any material evidence of this character has come before the Senate Committee on Isthmian Affairs, investigating conditions at Panama. I do know this, however, that until very recently it has been the American project to construct a lock canal. All the former advocates of an American canal by way of Panama or Nicaragua, or by any other route, contemplated a lock canal of a much more complex character than the present Panama project. All the advocates of a canal across the Isthmus, including many distinguished engineers in the Army and Navy, have been in favor of a lock canal, and almost without exception have reported upon the feasibility of a lock canal across the Isthmus and its advantages to commerce, navigation, and in military and naval operations in case of war. The Nicaragua Canal, as recommended to Congress and as favored by the first Walker Commission, provided for a lock project far more complex than the proposition now under consideration.

Colonel Totten, who built the Panama railroad, recommended the construction of a lock canal as early as 1857; Naval Commissioner Lull, who made a careful survey of the Isthmus in 1874, recommended a lock canal with a summit level of 124 feet and with 24 locks. Admiral Ammen, who, by authority of the Secretary of War, attended the Isthmian Congress of 1879, favored a lock project, in strong opposition to the visionary plan of De Lesseps. Admiral Selfridge and many other naval officers who have been connected, with isthmian surveying and exploration have never, to my knowledge, by as much as a word, expressed their apprehensions regarding the feasibility or practicability of a lock canal.

As a matter of fact and canal history, the lock project has very properly been considered as "an American conception of the proper treatment of the Panama canal problem." Mr. C. D. Ward, an American engineer of great ability, as early as 1879, suggested a plan almost identical with the one now recommended by the minority of the Consulting Board, including a dam at Gatun, instead of Bohio or Gamboa, and, in the words of a former president of the American Society of Civil Engineers, Mr. Welsh, "The first thought of an American engineer on looking at M. De Lesseps raised map is to convert the valley of the lower Chagres into an artificial lake some 20 miles long by a dam across the valley at or near a point where the proposed canal strikes it a few miles from Colon, such as was advocated by C. D. Ward in 1879. The site referred to was Gatun, and this was written in 1880 when the sea-level project had full sway.

So that it is going entirely too far to say that all naval commanders and commercial masters are in favor of the sea-level project. Admiral Walker himself, as president of the former Isthmian Commission, and as president of the Nicaraguan Board, favored a lock canal. Eminent Army engineers, like Abbot, Hains, Ernst, and others, favor the lock project. It requires no very extensive knowledge of navigation to make it clear that passing through a waterway which for 35 miles, or 71 per cent of its distance, will have a width of 500 feet or more, compared with one which, for the larger part, or for some 41 miles, will have a width of only 200 feet or less, must appeal to the sense of security of the shipper while taking his vessel through the canal.

But it is a question of general principles, and not of personal preference. Our concern is with a matter of fact, and not a theory. No shipper on the Great Lakes considers it a serious hindrance to navigation to pass through the lock of the "Soo" Canal; no shipper running 1,000-ton barges through the future Erie Canal will have the least apprehension of danger or destruction; no captain navigating a vessel or boat through the proposed deep waterway from the ocean to the Lakes will hesitate to pass through locks with a proposed lift of over 40 feet. These apprehensions are imaginary and not real. They are not derived from experience or from a summary statement of shipmasters and naval officers, but from the individual expressions and prejudice of a few who are opposed to the lock project. I am confident that if the matter is left to the practical navigator, to the shipowner, and the self-reliant naval officer there will be no serious disagreement of opinion that a lock canal, which can be built within a reasonable period of time, is preferable to any sea-level canal which may be built and opened to navigation twenty years hence or later.

There are two objections made by the majority of the Senate committee against a lock canal, which require more extended consideration. These are, the protection of the canal in case of war, and the danger of serious injury or total destruction by possible earth movements or so-called "earthquakes." Regarding the military aspects of the canal problem, the majority of the Senate committee says:

The Spooner Act and the Hay-Varilla treaty contemplated the fortification and military protection of the canal route. No proposition affecting this policy is now before the Senate. In so far as the type of canal to be adopted has a bearing upon the jeopardy to or immunity of the canal to risk of malicious injury the subject of safety and protection is pertinent and most important. If a canal of one type would be more liable to injury than another, this liability should under no circumstances be neglected in determining the type or plan. It does not require argument that the use of the canal by the United States will cease if the control passes to a hostile power between which and the United States a state of war exists, but this is true whatever the type may be.

As the majority of the committee points out, "no proposition affecting this project is now before the Senate." In my opinion, none is necessary. The neutrality of the canal is by implication, at least, assured, and we have pledged our national good faith that the waterway will be open to all the nations of the world. Some time in the future, when the canal is completed and an accepted fact, it may be advisable to pursue the same course as was done in the case of the Suez Canal. The original concession for that canal provided, by section 3, for its subsequent fortification, but this was never carried into effect. By a convention dated December 22, 1888, between Great Britain, Germany, and other nations, the free navigation of the Suez Canal was made a matter of international agreement, and the same has been reprinted as Senate Document No. 151, Fifty-sixth Congress, first session, under date of February 6, 1900.

This, in any event, is a problem of the future. The canal is the property of the United States, and we shall always retain control. In the event of war we shall rely with confidence upon our Navy to protect our interests on the Pacific and in the Caribbean Sea, but even more may we rely upon the all-important fact that it could never be to the interest of any other nation sufficient in size to be at war with us to destroy this international waterway, which will become an important necessity to the commerce of each and all. No neutral nation engaged in extensive commerce or trade would for an instant tolerate injury, destruction, or serious interference of the traffic passing through the canal on the part of another nation at war with the United States. To destroy as much as a single lock, to injure as much as a single gate, would be equal to an act of war with every commercial nation of the earth. In this simple fact lies a greater assurance of safety than in all the treaties which might be made or in all the fortifications which might be established to protect the canal.

The majority of the committee well say in their report, the power of mischief "is within easy reach of all." The possibility of an assumed occurrence is very remote from its reasonable probability. We have to rely upon our own good faith and the watchful eyes of our officers. Against possible contingencies, such as are implied in the assumed destruction of the locks, by dynamite or other high explosives, we can do no more than take the same precautions which we take in all other matters of national importance. We have to take our chances the same as any other nation would; the same as commercial enterprise would. Certainly the remote possibility of such an event, the still more remote contingency that the injury would be serious or fatal to the operation of the canal, should not govern in a decision to construct a canal for the use of the present generation instead of the generations to come. No canal can be built free from vulnerable points; no forts, no battle ships can be built free from such a risk. It would be folly to delay the construction of a canal; it would be folly to sink a hundred million dollars or more upon so remote a contingency as this, which belongs to the realm of fanciful or morbid imagination rather than to the domain of substantial fact and actual experience.

As a last resort, the opposition to a lock canal brings forward the earthquake argument. It is a curious reminder of the early and bitter opposition to the building of the Suez Canal, which had to fall back upon the absurd theory that the canal would prove a failure because the blowing sands of the desert would soon fill the channel. It was seriously proposed to erect a stone wall 4 feet high on each side of the embankment to provide against this imaginary danger to the canal. Another early objection to the Suez Canal was that the Red Sea level was 30 feet above the level of the Mediterranean, only set at rest in 1847 by a special commission, which in-

cluded Mr. Robert Stephenson, the great son of a great father, bitter to the last in his opposition to the canal, which he considered an impracticable engineering scheme. There was much talk about the assumed prevalence of strong westerly winds on the southern Mediterranean coast, and the danger of constantly increasing deposits of the Nile, it was said, would render the establishment of a port impossible. It was necessary to place a war ship for a whole winter at anchor 3 miles from the shore to prove the error of this assumption and set at rest a foolish rumor which came near proving fatal to the enterprise.

Earthquakes have occurred on the Isthmus, and there is record of one shock of some consequence in 1882. The matter has been inquired into in a general way by the various Isthmian commissions, and assumed some prominence during the discussions and debates regarding a choice of routes. It was plain to even the least informed that the volcanic belt of Nicaragua constituted a real menace to a canal in that region, and one of the strongest arguments advanced in the minority report of the Senate committee of 1902, submitted by Senator KITTREDGE, now a leading advocate of the sea-level project, in opposition to the Nicaragua Canal, was the assertion of the practical freedom of the Panama Isthmus from the danger of earth movements.

The minority of the Senate committee of 1902 in their report, summing up the final reasons in favor of the Panama route (section 12):

> At Panama earthquakes are few and unimportant, while the Nicaraguan route passes over a well-known coastal weakness. Only five disturbances of any sort were recorded at Panama, all very slight, while similar official records at San Jose de Costa Rica, near the route of the Nicaragua Canal, show for the same period fifty shocks, a number of which were severe. (P. 11, S. Rep. 783, part 2, 57th Cong., 1st sess., May 31, 1902.)

In another part of its report the committee said:

> With the dreadful lessons of Martinique and St. Vincent fresh in our minds, we should be utterly inexcusable if we deliberately selected a route for an isthmian canal in a region so volcanic and dangerous, when a route is open to us which is exposed to none of these dangers and is in every other respect more advantageous.

And they quote Professor Heilprin, an authority on the subject, in part, as follows:

> It has, however, been known for a full quarter of a century that the main Andes do not traverse the Isthmus of Panama, and that there are no active or recently decayed volcanoes in any part of the Isthmus. So far, however, as danger from direct volcanic contacts is concerned, the Panama route is exempt. (Pp. 22–23.)

And, further:

> This district represents the most stable portion of Central America. No volcanic eruptions have occurred there since the end of the Miocene epoch, and there are no active volcanoes between Chiriqui and Tolima, a distance of about 400 miles. Such earthquakes as have occurred are chiefly those proceeding from the disturbed districts on either hand, with intensity much diminished by the distance traversed. The canal lies in a sort of dead angle of comparative safety.

The report continues:

> The situation being, then, that the danger from volcanoes at Panama is nothing, and that from earthquakes practically nothing, while at Nicaragua the canal would be situated in one of the most dangerous regions of the world from both these causes, the question should be considered settled.

This was the opinion of the committee of 1902; it was emphatic and plain in its language; it had considered expert views and the available data. It had before it the full report of the Nicaragua Canal Commission printed under date of May 15 of the same year, Chapter VII of which considers the subject at much greater length than has been done since that time and with a full knowledge of the facts and free from bias or prejudice. With the then recent occurrence at Mount Pelee in mind, and a full understanding of the liability of the Isthmus to seismic shocks of minor importance, the committee emphatically indorses the lock-canal project at Panama.

Much can be said with regard to this matter, and it is one which should receive, and no doubt will, the most careful consideration of the engineers in charge of the work. Seismic disturbances have occurred in all parts of the world, and they have occurred at Panama. Where they are not directly of volcanic origin they appear to be the result of subsidence or contraction of the earth's crust, and they have occurred and caused serious destruction far from volcanic centers of activity, among other places at Lisbon, Portugal, and at Charleston, S. C. Some sections of the earth, as, for illustration, Japan and the Philippines, are, no doubt, more subject to these movements than others, and sections subject to such movements at one period of time may be exempt for many years, if not ever thereafter.

The fearful earthquake which affected Charleston, S. C., in 1886 had no corresponding precedent in that section, nor has it been followed by a similar disturbance. Regardless of the terrible experience of 1886, the Government has now in course of construction at Charleston a navy-yard and a great dry dock, costing many millions of dollars, which will be operated by locks or gates, and, I presume, the question of earthquakes or earth movements has not been raised in any of the reports which have been made regarding this undertaking. Earthquakes were formerly quite frequent in New England, and they extended to New York during the early years of our history, and for a time Boston and Newbury, Mass, Deerfield, N. H., and particularly East Haddam, Conn., were the centers of seismic activity, which by inference might be used as an argument against our navy-yards at Portsmouth, N. H., and Charlestown, Mass., our torpedo station at Newport, or the fortifications at Willetts Point. The earthquake which destroyed Lisbon in 1755 might with equal propriety be used as an argument against the building of the extensive docks and fortifications at Gibraltar, but no one, I think, has ever questioned the solidity of the rock.

Seismology is a very complex branch of geologic inquiry into a subject regarding which very little of determining value is known. Theories have been advanced that under certain geological conditions earth movements would be comparatively infrequent, if not impossible. Whether such conditions exist at Panama would have to be determined by the investigations of qualified experts. It would seem, however, from such data as are available, that the local conditions are decidedly favorable to a comparative immunity of this region from serious seismic shocks, at least such as would do great and general damage. Nor can it be argued that the locks and dams would be exposed to special risk. The earthquake of 1882 did more or less damage, but the reports are of a very fragmentary character. Newspaper reports in matters of this kind have very small value. Injury was done to the railway, but not of very serious consequence.

If the risk exists, it would affect equally a sea-level canal, in that it would threaten the tidal lock, the dam at Gamboa, and the excavation through the Culebra cut. Very little is known regarding earthquake motions, and there are very few seismic elements which are really calculable in conformity to a mathematical theory of probability. It is a subject which has not received the attention in this country of which it is deserving, but enough of seismic motion is known to warrant the conclusion that the Senate committee of 1902 was, in all human probability, entirely correct when it made light of the danger of the probability of seismic shocks at Panama.

In fine, the earthquake argument has little or no force against a lock-canal project, and it has never received serious consideration as such or been used in arguments against a lock canal until the recent San Francisco disaster brought the subject prominently before the public. It is a danger as remote as a possible destruction of the proposed terminal plants at Colon and Panama by flood waves equal in magnitude to the one which destroyed Galveston in 1900, but such dangers are inherent in all human undertakings. They must be taken as a matter of chance and remote possibility, which for all practical purposes may be left out of account, except that the subject should receive the due consideration of the engineers and perhaps be made a matter of special and comprehensive inquiry by the Geological Survey. In any serious consideration of the facts for or against a lock canal, I am confident that the earthquake risk may safely be ignored.

The comprehensive report of the minority members of the Senate Committee on Interoceanic Affairs is a sufficient and conclusive answer to all the important points which are in controversy, and it remains for Congress to cut the "Gordian knot" and put an end to an interminable discussion of much solid and substantial conviction on the one hand and of a vast amount of opinion and guesswork on the other hand. All of the evidence, all of the supplementary expert testimony which may be collected or obtained upon the merits or demerits of either of the two propositions, will not change the fundamental basis of the position of those who rest their final conclusions upon American experience and upon the opinions and judgment of American engineers, and who favor a lock canal. While there is no question of doubt that such a canal can be constructed and can be made a practical waterway, there is a very serious question of doubt whether a sea-level canal can be constructed and made a safe and practicable waterway, at least within the limits of the estimated amount of cost and within the estimated time.

The view, which I have tried to impress upon the Senate, is nothing more nor less than a business view of what is, for all practical purposes, only a business proposition. If a lock canal can be built, useful for all purposes, at half the cost and within half the time of a sea-level canal, then I can come to no other conclusion than that a lock canal would be decidedly to our

political and commercial advantage. A decision, however, should be arrived at. The canal project has reached a stage when the final plan or type must be determined, and it is the duty of Congress to act and to fix, for once and for all time, the type of canal, with the same courage and freedom from prejudice or bias as was the case in the decision which finally fixed the route by way of Panama.

Any amount of additional testimony and so-called expert opinion will only add to the confusion and tend to produce a more hopeless state of affairs. Let Congress fix the type in broad outlines and leave it to responsible engineers in actual charge of the construction to solve problems in detail, and to adapt themselves to local conditions met with, and new problems which in the course of construction are certain to arise. Let us take counsel of the past, most of all from the experience gained in the construction of the Suez Canal, an engineering and commercial success which challenges the admiration of the world. We know how near it came to utter defeat by the conflict of opinion, by the intrigue of conniving and jealous powers, and last but not least, by the ill-founded apprehensions and fears of those who were searching the vast domain of conjecture and remote possibilities for arguments to cause a temporary delay or ultimate abandonment.

It is not difficult to secure eminent authority for or against any project when the facts themselves are in dispute, and when the objects and aims are not well defined. The great Lord Palmerston, the most bitter opponent to the Suez Canal scheme, in want of a more convincing argument, seriously claimed that France would send soldiers disguised as workmen to the Isthmus of Suez later to take possession of Egypt and make it a French colony. By one method or another, Palmerston tried to defeat the scheme in its beginning and bring it to disaster during the period of construction. It is a far from creditable story. History always more or less repeats itself, whether it be in politics or engineering enterprise, but in few affairs are there more convincing parallels than in the canal projects of Panama and Suez. Lord Palmerston and Sir Henry Bulwer, then the ambassador at Constantinople, did all in their power to destroy public confidence in the enterprise, and they were completely successful in preventing English investments in the stock of the canal.

It was the same Sir Henry Bulwer who, in 1850, succeeded by questionable diplomatic methods in foisting upon the American people a treaty contrary to their best interests and for half a century a hindrance and the barrier to an American isthmian canal. We owe it chiefly to the masterly and straightforward statesmanship of the late John Hay that this obstacle to our progress was disposed of to the entire satisfaction of both nations. I only refer to these matters, which are facts of history, to point out how an interminable discussion of matters of detail is certain to delay and do great injury to projects which should only receive consideration in broad outlines and upon fundamental principles. If we are to enter into a discussion of engineering conflicts, if we are to deliberate upon mere matters of structural detail, then an entire session of Congress will not suffice to solve all the problems which will arise in connection with that enterprise in the course of time. I draw attention to the Suez experience solely to point out the error of taking into serious account minor and farfetched objections which assume an undue magnitude in the public mind when they are presented in lurid colors of impending disasters to a national enterprise of vast extent and importance.

So eminent an engineer as Mr. Robert Stephenson by his expert opinion deluded the British people into the belief that the Suez Canal would not be practical; that, even if completed, it would be nothing but a stagnant ditch. Said Palmerston to De Lesseps:

> All the engineers of Europe might say what they pleased, he knew more than they did, and his opinion would never change one iota, and he would oppose the work to the end.

Stephenson confirmed this view and held that the canal would never be completed except at an enormous expense, too great to warrant any expectation of return—a judgment as ill advised as it was later proven to have been entirely erroneous. I need only say that the Suez Canal is to-day an extremely profitable waterway, and that while the work was commenced and brought to completion without a single English shilling, through French enterprise and upon the judgment of French engineers, it was only a comparatively few years later when, as a matter of necessity and logical sequence, the controlling interest in the canal was purchased by the English Government, which has since made of that waterway the most extensive use for purposes of peace and war.

These are facts of history, and they are not disputed. Shall history repeat itself? Shall we delay or miscarry in our efforts to complete a canal across the Isthmus of Panama upon similar pretensions of assumed dangers and possibilities of disaster, all more or less the result of engineering guesswork? Shall we take fright at the talk about the mischief-maker with his stick of dynamite, bent upon the destruction of the locks and vital parts of the machinery, when history has its parallel during the Suez Canal agitation in "The Arab shepherd, who, flushed with the opportunity for mischief and with a few strokes of a pickax, could empty the canal in a few minutes?" Shall we be swayed by foolish fears and apprehensions of earthquakes or tidal waves and waste millions of money and years of time upon a pure conjecture, a pure theory deduced from fragmentary facts? Again the facts of canal history furnish the parallel of Stephenson and other engineers, who successfully frightened English investors out of the Suez enterprise by the statement that the canal would soon fill up with the moving sands of the desert, that one of the lakes through which the canal would pass would soon fill up with salt, that the navigation of the Red Sea would be too dangerous and difficult, that ships would fear to approach Port Said because of dangerous seas, and, finally, that in any event it would be impossible to keep the passage open to the Mediterranean.

It was this kind of guesswork and conjecture which was advanced as an argument by engineers of eminence and sustained by one of the foremost statesmen of the century. How absurd it all seems now in the sunlight of history. The Panama Canal is a business enterprise, even if carried on by the nation, and with a thorough knowledge of the general facts and principles we require no more expert evidence, so called, nor additional volumes of engineering testimony. The nation is committed to the construction of a canal. The enterprise is one of imperative necessity to commerce, navigation, and national defense, and any further discussion, any needless waste of time and money, is little short of indifference to the national interests and objects which are at stake.

Of objections for or against either plan there is no end, and there will be no end as long as the subject remains open for discussion. To answer such objections in detail, to search the records for proof in support of one theory and another, is a mere waste of time which can lead to no possible useful result. Among others, for illustration, there has been placed before us a letter from the chief engineer of the Manchester Ship Canal, who is emphatically in favor of a sea-level waterway. It would have been much more interesting and much more valuable to the Members of Congress to have received from Mr. Hunter a statement as to why he should have changed his opinions or why, in 1898, he should have signed the unanimous report of the technical commission in favor of a lock canal, while now he so emphatically sustains those who favor the sea-level project. It is not going too far to say, appealing to the facts of history, that Mr. Hunter may be as seriously in error in this matter and may have drawn upon his imagination rather than upon his engineering experience, the same as Mr. Robert Stephenson was in serious error in his bitter opposition to the canal enterprise at Suez.

Mr. Hunter, in his letter, argues, among other points, that the lifts of the proposed locks would be without precedent. Without precedent? Why, of course, they would be without precedent. Is not practically every American engineering enterprise without precedent? Was not the Erie Canal, completed in 1825, without a precedent? Were not the first steamboat and the first locomotive without precedents? Were not the Hoosac Tunnel and the Brooklyn Bridge feats of engineering enterprise without precedents?

Without precedent is the great barge canal which the State of New York is about to build, which will mean a complete reconstruction of the existing waterway which connects the ocean with the Great Lakes.

All this is without precedent. But it is American. It is progress, and takes the necessary risk to leave the world better, at least in a material way, than we found it. In the proposed deep waterway, which is certain some day to be built to connect the uttermost ends of the Great Lakes with tide water on the Atlantic, able and competent engineers of the largest experience have designed locks with a lift of 52 feet. That will be without precedent. On the Oswego Canal, proposed as a part of the new barge canal of the State of New York, there will be six locks, two of which will have a lift of 28 feet, and that will be without precedent, but neither dangerous nor detrimental to navigation interests.

Need I further appeal to the facts of past canal history? Is it necessary to recite one of the best known and most honorable chapters in the history of inland waterways—I mean the problems and difficulties inherent in the great project of constructing the canal of Languedoc, or "Canal du Midi," which forms a

water communication between the Mediterranean and the Garonne and the Garonne and the Atlantic Ocean, one of the best known canals in France and in the world? Need I refer to that pathetic story of its chief egineer, Riquet, one of the greatest of French patriots, who, in his abiding faith in this great engineering feat, stood practically alone? Need I recall that he met with scant assistance from the Government, with the most strenuous opposition from his countrymen; that he was treated even as a madman, and that he died of a broken heart before the great work was finished?

That canal stands to-day as an engineering masterwork and as a most suggestive illustration of man's ingenuity and power to overcome apparently insuperable natural obstacles. It has been in existence and successful operation, I think, since 1681. For a sixth part of its distance it is carried over mountains deeply excavated. It has, I think, ninety-nine locks and viaducts, and as one of its most wonderful features it has an octuple lock, or eight locks in flight, like a ladder from the top of a cliff to the valley below. If in 1681 a French engineer had the ability and the daring to conceive and construct an octuple lock, will anyone maintain that more than two hundred years later, with all the enormous advance in engineering, with a better knowledge of hydraulics and a more perfect method of transportation and handling of materials, will anyone maintain that we are not to-day competent to construct a lock canal such as is proposed to be built at Panama upon the judgment of American engineers?

Mr. President, the overshadowing importance of the subject has led me to extend my remarks far beyond my original intention. I express my strong convictions in favor of a lock canal and of the necessity for an early and specific declaration of Congress regarding the final plan or type of canal which the nation wants to have built at Panama. I am confident that it lies entirely within our power and means to build either type of a waterway; that our engineering skill can successfully solve the technical problems involved in either the lock or sea-level plan; but there is one all-important factor which controls, and which, in my opinion, should have more weight than any other, and that is the element of time. If I could advance no other reasons, if I knew of no better argument in favor of a lock canal, my convictions would sustain the project which can be completed within a measurable distance of years and for the benefit and to the advantage of the present generation. Time flies, and the years pass rapidly. Shall this project languish and linger and become the spoil of political controversy and a subject of political attack? Can we conceive of anything more likely to prove disastrous to the canal project than political strife, which proved the undoing of the French canal enterprise at Panama?

Shall the success of this great project be imperiled by the possible changes in the fortunes of parties? Shall we incur the risk that changes in economic conditions, hard times, or panic and industrial depressions may bring about? Time flies, and in the progress of industry and commerce, in international competition and the growth of modern nations, no factor is of more supreme importance than the years with new opportunities for political and commercial development. Shall we, then, neglect our chances? Shall we fail to make the most of this the greatest opportunity for the extension of our commerce and navigation into the most distant seas which will ever come to us in our history, because of the demands of idealists, who, with theoretical notions of the ultimately desirable, would deprive the nation and the world of what is necessary and indispensable to those who are living now?

Vast commercial and political consequences will follow the opening of the transisthmian waterway. In the annals of commerce and navigation it is not conceivable that there will ever be a greater event or one fraught with more momentous consequences than uninterrupted navigation between the Atlantic and the Pacific. Little enough can we comprehend or anticipate what the far-distant future will bring forth, but this much we know—that it is our duty to solve the problems of to-day and not to indulge in dreams and fancies in a vain effort to solve the problems of an immeasurable future.

But *money* also counts. Can we defend an expenditure of an additional $100,000,000 or more for objects so remote, and upon the basis of theory and fact so slender and so open to question, when a plan and a project feasible and practicable is before us which will meet all of our needs and the needs of generations to come? Shall we disregard in the building of this canal every principle of a sound national economy and commit ourselves recklessly to an enormous waste of funds and to the imposition of needless burdens upon the taxpayers of this nation and upon the commerce of the world? At least $2,000,000 per annum more will be required in additional interest charges, at least $100,000,000 more will be necessary as an original investment. Do we fully realize what that amount of money would do if applied to other national purposes and projects?

I want to place on record my convictions and the reasons governing my vote in favor of the minority report for a lock canal across the Isthmus at Panama. I entered upon an investigation of the subject without prejudice or bias for or against either project, but I have examined the facts as they have been presented and as they are a matter of record and of history. I have heard or read with care the evidence as it has been presented by the Board of Consulting Engineers and the vast amount of oral testimony before the Senate Committee on Interoceanic Affairs. I am confident that the minority judgment is the better and that it can be more relied upon, because it is strictly in conformity with the entire history of the isthmian canal project. I am confident that the objections which have been raised against the lock plan are an undue exaggeration of difficulties such as are inherent in every great engineering project, and which, I have not the slightest doubt, will be successfully solved by American engineers, in the light of American experience, exactly as similar difficulties have been solved in many other enterprises of great magnitude.

I am not impressed with the reasons and arguments advanced by those who favor the sea-level project, which do not convince me as being sound and which in some instances come perilously near to engineering guesswork characteristic of the earlier enterprises of De Lesseps. I can but think that bias and prejudice are largely responsible for the judgment of foreign engineers so pronounced in favor of a sea-level project. On the contrary, I am entirely convinced that the judgment and experience of American engineers in favor of a lock canal may be relied upon with entire confidence, and that the enterprise will be brought to a successful termination. I believe that in a national undertaking of this kind, fraught with the gravest possible political and commercial consequences, only the judgment of our own people should govern for the protection of our own interests which are at stake. I also prefer to accept the view and convictions of the members of the Isthmian Commission, and of its chief engineer, a man of extraordinary ability and vast experience.

It is a subject upon which opinions will differ and upon which honest convictions may be widely at variance, but in a question of such surpassing importance to the nation, I, for one, shall side with those who take the American point of view, place their reliance upon American experience, and show their faith in American engineers.

Mr. KITTREDGE. Mr. President, I ask for the adoption of the following order.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from South Dakota asks for the adoption of an order which will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, June 15, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and continue the consideration thereof until 4 o'clock p. m., when debate shall cease and a vote be taken upon all amendments then pending or to be offered, and that a vote be taken on the bill before adjournment on that day.

Mr. HOPKINS. Mr. President, in consulting with many Senators on both sides, I find that Monday will be more agreeable than Friday. I therefore suggest a change of the day from Friday to Monday, and of the hour from 4 to 3 o'clock, so that the vote will be taken at 3 o'clock on Monday.

Mr. KITTREDGE. I will agree to that, Mr. President.

The PRESIDING OFFICER. Is there objection to the proposed agreement as modified?

Mr. TELLER. Mr. President, I do not desire to object to the modification or to fixing a date. I object, though, to this being taken as an order. That is not the custom of the Senate.

Mr. KITTREDGE. I have asked for unanimous consent.

Mr. TELLER. It should be done by unanimous consent; it is not an order.

The PRESIDING OFFICER. The proposed agreement will be read as modified.

Mr. TELLER. With that modification I shall not object. Otherwise I do not care anything about it.

The PRESIDING OFFICER. The request of the Senator from South Dakota will be again read.

Mr. HOPKINS. It was a request and not an order. It was a request for unanimous consent.

Mr. TELLER. I understand that it is modified to a request for unanimous consent.

The PRESIDING OFFICER. It reads: "It is agreed by

unanimous consent." The proposed agreement will be read as modified.

Mr. HALE. I take it that what the Senator offering this proposed agreement had in view was that the language should be clearly understood, so that no question would arise afterwards. It ought to read, rather, "ordered by unanimous consent," because, as the Senator from Colorado says, it can only be done by unanimous consent, and it is only put in the form of an order that nobody may misunderstand the terms of the agreement. I take it that is the design of the Senator from South Dakota.

Mr. KITTREDGE. That was my purpose, Mr. President.

Mr. TELLER. I have no doubt what the purpose is; but that has never been the form since I have been here. We simply say it is unanimously agreed to do this or to do that.

The PRESIDING OFFICER. The Chair will inform the Senator from Colorado——

Mr. TELLER. And that is usually printed upon the Calendar.

Mr. HALE. That accomplishes the same purpose.

Mr. TELLER. I do not want to have the word "order" used.

The PRESIDING OFFICER. The Chair will inform the Senator from Colorado that the word "order" is not used. It reads: "It is agreed by unanimous consent."

Mr. TELLER. That is right.

Mr. HALE. That is right.

Mr. TELLER. I understood the Senator to ask for an order.

The PRESIDING OFFICER. Is there objection to the proposed agreement?

Mr. HALE. What is the modification?

The PRESIDING OFFICER. It will be again read.

The Secretary read the proposed agreement as modified, as follows:

It is agreed by unanimous consent that on Monday, June 18, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and continue the consideration thereof until 3 o'clock p. m., when debate shall cease and a vote be taken upon all amendments then pending or to be offered, and that a vote be taken on the bill before adjournment on that day.

Mr. SPOONER. Why not put it at 1 o'clock, so that there will be an opportunity for debate of about an hour? That is only a suggestion.

Mr. FORAKER. Mr. President, I should like to ask, before this order is entered, of some Senator who is entirely familiar with the subject, whether it is necessary for us to determine at this time the type of the canal, or whether it is possible for this matter to be delayed until those of us who have had no opportunity to do so can familiarize ourselves with the testimony which has been taken?

I wish to say in this connection to Senators, and I say it frankly, that my predisposition has been always in favor of a sea-level canal. That is why I turned from Nicaragua to Panama. But since this controversy has arisen I have had some doubt brought into my mind as to whether I am right in that respect, and I have been undertaking to read the testimony and familiarize myself with the subject, hoping that I might thereby remove the doubt that I have. But if the bill is to be voted upon next Monday, I do not see how I can do that to my own satisfaction. I will not object for one moment to the proposed agreement if it is necessary that it should be settled at this time.

Mr. HOPKINS. If the Senator will allow me——

Mr. FORAKER. Certainly.

Mr. HOPKINS. I think that the vote as to the type of the canal could be postponed until the next session of Congress without interfering with the ultimate type that shall be adopted in the construction of the canal. If that should be done, it would allow Senators circumstanced as the Senator from Ohio is to give the same attention to it that those of us who are on the committee have been compelled to do in forming the opinions that we have expressed here on the floor of the Senate.

I will say to the Senator from Ohio that for one I would be very glad to accommodate him or any other Senator similarly situated and permit this question to go over until the first Monday or Tuesday of the next session of this Congress.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. I yield the floor.

Mr. TELLER. I think it is thoroughly understood that this measure is not to be touched in the House during the present session. For myself I do not see any object in fixing a date to dispose of it now, though perhaps before the session is over we ought to send it to the House, or perhaps we ought to have sent it earlier in the session. But we certainly can take the balance of the session for debating this question, if we want to do that, without interfering with the final disposition of this case.

I wish myself to make a few remarks upon it this week, because I expect on Saturday to leave the city. I have waited here for some time, supposing that I might get an opportunity to do so to-night, but I see really no opportunity at this late hour to commence a speech on the subject. I do not intend to speak at length, but will be rather brief.

I do not want to object to the proposed agreement, if the Senators who have this measure in charge think it ought to be made, but I do not myself see anything to be gained by it.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. WARREN. I do not wish to interrupt the Senator unless he is through.

Mr. TELLER. I am through, unless I am going to speak on the bill.

Mr. WARREN. If the Senator will pardon me, I only want to indorse heartily what he has said. In the multifold duties that we have to discharge in the last part of the session there has scarcely been time since the Interoceanic Canals Committee finished the hearings for us to inform ourselves sufficiently, in my opinion, about the type of canal. If the members of that committee—and they are prominent members, for that matter—think the work can properly proceed without our deciding at this time the type of the canal, then I think by all means we ought to avail ourselves of longer time and better inform ourselves, through the evidence taken by the committee, which we will have time to read and absorb in the meantime.

Mr. SCOTT. Will the Senator from Colorado yield to me for a moment?

Mr. TELLER. Certainly.

Mr. SCOTT. Mr. President, I think it would be a very wise conclusion to have this matter go over. I have felt that ultimately my views, expressed a few years ago upon the route on which the canal should be built, would be adopted. Every day and every month that this matter has been discussed I at least have been more thoroughly convinced that the position I took at that time is the correct one. I think the Senator from Alabama [Mr. MORGAN] almost, if not entirely, would agree with me now, and I am sure he regrets that he did not report my resolution favorably from the committee to send expert engineers and contractors down there to investigate the route I then advocated.

I do not want to do anything, Mr. President, to delay the building of the canal or to delay a vote on the pending bill; but I think we will find, as years roll by, that a great mistake is being made.

Mr. HALE. I trust if an agreement is not made, which I understood had been assented to by all parties, fixing the time for a vote upon the bill, the Senator in charge of the bill will insist that unless it is displaced by a vote of the Senate, the consideration shall be continued, and that a vote shall be taken upon it.

Mr. KITTREDGE. Mr. President, I do not understand that objection has been made to the modified agreement.

The PRESIDING OFFICER. The Chair will put the question on the request of the Senator from South Dakota. Is there objection to the request of the Senator from South Dakota?

Mr. GALLINGER. What is the request?

The PRESIDING OFFICER. As modified it is proposed that the debate shall cease on Monday next at 3 p. m.

Mr. HOPKINS. I think it is well to fully understand this matter. Personally next Monday is agreeable to me, and I will not delay a vote if the Senate wants to vote upon the bill. The suggestion I made was in answer to the suggestion made by the Senator from Ohio [Mr. FORAKER], and the views concurred in by the senior Senator from Colorado [Mr. TELLER]. In my judgment, no advance will be made at all by a vote in the Senate at this session. I understand the situation in the House to be such that if the bill should go there, no action would be taken at this session. If there is any Senator here on either side who feels that he would like to have more time to investigate the subject before the type of the canal is determined, so far as I am personally concerned I would not interpose any objection to the bill going over.

Mr. TELLER. Mr. President, I suggest that if the Senator who has the bill in charge is anxious to fix a time he might fix, perhaps, the middle of next week, and that would give, perhaps, time for discussion, if he feels that he ought to do that

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. Certainly.

Mr. CARTER. Mr. President, with the Senator's permission, I desire to express the personal view that under all the conditions, since no injury to the public business would result from a postponement of the vote until the next session of Congress, the Senate owes to itself and Senators individually should take advantage of the time to cast such a vote upon this momentous question as will comport with their best judgment in the light of a full and clear understanding of all the facts and conditions.

The testimony has been quite voluminous, and it differs, I understand, very materially from the ordinary testimony presented before investigating committees, in that it consists very largely of the opinions, carefully considered, of experts who have examined the conditions upon the ground. I doubt if any Senator will have an abiding sense of satisfaction who casts a vote upon this question without having prosecuted original inquiry to the extent at least of having read the testimony of the experts, the opinions submitted by them from time to time. The experts divided upon the question at almost every point. Men of international reputation as engineers, men of broad experience and great capacity, came to direct issues upon the one question here to be disposed of, to wit, the type of canal.

The experts having divided after inspecting the grounds upon which the work is to be executed, we find that a committee of the Senate, in the light of the testimony of all the experts, again divided upon this subject almost evenly. I believe the bill was reported by a majority of one in favor of a sea-level canal. This Chamber is adorned with maps and plats resulting from long-continued effort and patient study. The physical conditions presented by these maps and plats are elaborately explained by the testimony of the experts under whose guidance the maps and plats were prepared.

There are few Senators in this Chamber not members of the committee who are able to thoroughly and clearly explain the significance at this moment of any one of these charts or maps. I think during the vacation Senators could individually read the testimony, the numerous conflicting opinions, and be prepared to vote upon the question next December in a manner satisfactory to themselves, and, perchance, of much advantage to the country, compared with the present vote.

Mr. HALE. With the provision, I suggest to the Senator, that in the meantime there shall be no work done on the canal until Senators have had ample time to consider it during vacation.

Mr. CARTER. With reference to that suggestion, I understand the statement of the Senator from Illinois [Mr. HOPKINS] to be to the effect that work may be prosecuted between now and the 1st of next January without any reference to the particular type of canal to be ultimately determined upon; that excavation may proceed with reference to either a sea-level or lock canal, as proper depth for the lock canal will not be reached at Culebra cut until long after the 1st of next January; that in the time intervening between this and the next session of Congress it will not be necessary to make any preparation whatever for the construction of any locks, on the assumption that a lock canal would be constructed.

In view of the consideration of the matter in Congress, I assume that the Executive, in charge of this work, would not attempt to irrevocably commit the Government to a lock canal or a sea-level canal pending some definite expression by the Congress on the subject.

If it be true that construction may proceed unhindered by a failure to determine definitely at this time the type of canal, then nothing is to be lost by prosecuting the work. It will not be necessary to discontinue excavation, because every yard of material removed will apply alike efficiently to either a lock or a sea-level canal.

The construction of the dams, of course, may not be proceeded with, because I understand from the explanations made in the course of the speeches of Senators, dams are to be constructed at different points dependent upon the type of canal to be constructed.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. The Senator from Colorado yielded to me. I have no right to the floor beyond that.

Mr. TELLER. I do not claim the floor.

Mr. CARTER. Certainly, I yield to the Senator from Texas.

Mr. CULBERSON. I wish to call the attention of the Senator to a paragraph in the message of the President. He says:

> The law now on our statute books seems to contemplate a lock canal. In my judgment a lock canal, as herein recommended, is advisable. If the Congress directs that a sea-level canal be constructed its direction will, of course, be carried out. Otherwise the canal will be built on substantially the plan for a lock canal outlined in the accompanying papers, such changes being made, of course, as may be found actually necessary, including possibly the change recommended by the Secretary of War as to the site of the dam on the Pacific side.

Mr. CARTER. From what message is the Senator reading? What is the date?

Mr. CULBERSON. It is the message from the President of February 19, 1906. I do not know what the President means, or rather, when he contemplates that action shall be taken by Congress. If he means that it ought to be taken now, otherwise he will proceed to construct the canal according to the lock-level plan, then if Congress has a different opinion upon this subject it ought to express it now. If any Senator is authorized to give a more definite expression to what is the purpose of the Administration than is contained in this message, it would be well to have him do it.

Mr. CARTER. Irrespective of the policy announced in the message, we may well take into consideration the fact that under the most favorable estimate as to the time hereafter mentioned, from seven to eight years will be required to build a lock canal. I think it is very clear, if it is contemplated that eight years will be consumed in the entire work, that what is done during the next six months will be equally available at the termination of that period for either a lock or a sea-level canal.

As the Senator from Colorado [Mr. TELLER] has suggested, it is not contemplated that any agreement will be reached between the respective Houses of Congress at this session with reference to the type of canal. Therefore, the only result will be to take a hasty vote upon immature consideration rather than a vote at a later date after due deliberation and careful study of the record.

Mr. HALE. Will the Senator allow me a suggestion there?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. Certainly.

Mr. HALE. The bill reported by the Committee on Intreoceanic Canals is now the unfinished business. It is the only thing in order after 2 o'clock. If the Senator in charge of the bill insists upon the regular order, nothing else can intervene. We can get no postponement unless the Senate by a majority vote displaces this and puts something else in its place. If a majority of the Senate desires to displace this bill and put something else in its place, that does end the matter at this session so far as the Senate is concerned; but the Senator in charge of the bill has a right, and it is his business and his duty, unless the agreement is made as to when a vote shall be taken, to simply call the regular order after 2 o'clock, and unless somebody is ready to debate the bill there must be a vote.

I understand the Senator in charge of the bill to be perfectly willing to agree that on Monday or Wednesday next the vote shall be taken, so that the Senate may decide what it desires shall be done in this matter. But the talk about this going over has no force, because unless the Senate is ready to displace this as the unfinished business it can not go over.

Mr. GALLINGER. That is true.

Mr. HALE. And I notify Senators that unless the Senate does act upon this matter and makes a decision one way or the other, and then leaves it to the other House, the whole matter will come up on the sundry civil appropriation bill, and we shall be for weeks on that bill, debating back and forth because the Senate has not in any way taken action upon the subject. Therefore, it seems to me it is the part of wisdom in good legislation and in help of what everybody wants to draw this matter to an end, that the Senate now agree to fix a time when a vote shall be had upon this subject. Then we shall proceed either to consider this or other matters, and when the day fixed arrives the Senate will pass upon this matter. But if I had charge of the bill, as the Senator from South Dakota [Mr. KITTREDGE] has charge of it, I should see that the regular order was called every day after 2 o'clock until a vote was taken.

Mr. CARTER. Mr. President, the Senator from Maine has stated a parliamentary situation resulting from the action of the Senate. Even if this bill were not the unfinished business, the Senate could obviously make it so very quickly; and, being the unfinished business, the Senate can quickly displace it.

Mr. HALE. Undoubtedly.

Mr. CARTER. It is a question, therefore, merely as to the will of the Senate concerning the disposition of a matter pending here; and I have expressed but the personal desire, before voting upon this question, to have time to more thoroughly consider it. I am perfectly free to say that the arguments here presented in favor of a sea-level canal have been powerful and

well stated but I should not venture to interfere with the existing condition lightly. I believe my vote, if it were cast as I feel now, would be in favor of building a lock canal, whereas, after a mature and careful consideration of the matter, I might change that view; but I should like to have ample time to read the record. It is a matter involving not a trifle—a difference between $250,000,000 and $500,000,000, involving years and years of construction, and involving operation after construction.

Mr. TELLER obtained the floor.

Mr. BLACKBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Kentucky?

Mr. TELLER. Certainly.

Mr. BLACKBURN. Mr. President, there are some facts connected with this situation that I think it would be well enough for the Senate to realize. I take it that it is an open secret, known to every member of this body, that the preference of the Executive is for a lock and dam canal. It is known by every one that, in reaching that conclusion, he has not followed the advice of the majority of the experts, whom he very wisely and very properly summoned to his aid. I think I know the Senate well enough to know that it is not in the habit of being frightened from the proprieties that attend the discharge of its duty by public clamor. I think we are warranted in saying that this Chamber is very much given to following out its own conclusions, when deliberately reached, without giving way to any pressure that may be brought to bear either by the press or by the populace of this country. Yet, Mr. President, I do not believe, and I hope that it is not true if it should be charged, as in some quarters it has been charged, that the Senate is too little responsive to public opinion. I think that an unjust and an unfair criticism.

That brings me to say what all of us know, or should know, that in the judgment of the American people the responsibility rests not upon the executive, but upon the legislative branch of this Government to determine the type of this canal. Its construction is the most gigantic piece of work ever undertaken by this Government from its foundation down till now. Whether measured by the dollars and cents involved in the expenditure, or whether judged in its far-reaching effects upon the commerce of the world, the building of this isthmian canal is the most gigantic project that this American people has ever undertaken.

Congress, the legislative branch of the Government, is primarily and finally responsible, not alone for the appropriation of the money, not alone for the passage of the act that made its construction possible, but for the method of that construction and for the type that is to be employed. Say what we will, the American people will say, and the American people will be justified in saying, that if we fail, if the legislative branch of this Government fail to determine the type of this canal, it is because that legislative branch of the Government lacked the courage to meet the responsibility that rested on it.

It is an open secret, known to you and to all of us—and we had as well face it here and now—that if this session of this Congress adjourns the type of that canal is fixed, and fixed by reason of your nonaction. If this session of this Congress closes without action upon your part, that will be a lock-and-dam canal whether the Congress prefer it or not.

Mr. FORAKER. Mr. President——

Mr. BLACKBURN. It is a plea in abatement——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BLACKBURN. Certainly.

Mr. FORAKER. The inquiry I addressed to Senators who are serving on this committee was calculated to get information on this point. I understand those Senators, however, to agree that this work may progress until we meet here again in December without affecting the question of the type of the canal. I am unwilling to determine the type of the canal by nonaction. If the Senator from Kentucky be right in saying that nonaction be equivalent to voting for a lock canal, then I should feel differently about the matter of fixing a time to take the vote; but it seems to me, in any event, if the Senator from Kentucky will pardon me a moment longer——

Mr. BLACKBURN. Certainly.

Mr. FORAKER. That next Monday is a very early day, although we are to adjourn within two or three weeks, I suppose, to fix as the time to vote. If we could have this vote taken a little bit later than that, it would give some of us an opportunity to read that which we ought to read, but which we have not yet had an opportunity to read.

When the Senator from New Jersey [Mr. DRYDEN] was making his speech this morning, I noticed he said that General Hains and General Ernst, two very distinguished engineers, were of one opinion, and that Gen. George W. Davis, a man of the highest character and of the greatest ability, and a gentleman in whom I have the greatest confidence, was of a directly opposite opinion. I should like to read, and read with care, the testimony of at least those three men before I am compelled to vote on this very important subject. It does seem to me that to ask us to vote next Monday, when confessedly a majority of the Senators have not had time to read this testimony, is crowding us too much. But I do not want to delay the construction of the canal, and I will do whatever may be necessary to qualify myself to vote intelligently at any time the Senate may see fit to fix. I think nothing is to be lost by determining this matter next December, instead of now; and it seems to me we would all be benefited by an opportunity that would be given by delay to look into this matter and read the testimony.

Mr. BLACKBURN. Mr. President——

Mr. KITTREDGE. Will the Senator yield to me just to make a statement?

Mr. BLACKBURN. With pleasure.

Mr. KITTREDGE. I was engaged when the Senator from Ohio [Mr. FORAKER] made the inquiry which brought forth the statement of the Senator from Kentucky; but I had in mind then, and I submit now, that in a recent interview with the Chief Engineer, Mr. Stevens, he said that, unless Congress acted upon this question at this session, the work would proceed in the construction of a lock canal.

Mr. BLACKBURN. I was coming to that statement of the Chief Engineer.

Mr. President, I am not a member of the committee that reports this bill. I probably have had as little oportunity for complete and full information upon this subject as the average Senator; yet I have looked into it sufficiently to cause me to hold very decided views as to the merits of these two propositions. But that question I do not propose to discuss here and now. It is not for us at this juncture to determine whether the sea-level or the lock and dam canal be the most advantageous. The point to which I was addressing myself was, what seems to me to be the necessity for Congress acting upon this question and determining the type of canal before we shall adjourn and close this session.

It is suggested that if this Congress adjourns and this matter be left in abeyance until next December it will in no wise affect the work to be done between this and that time. It has been suggested by the Senator from Montana [Mr. CARTER] that no work to be done between this and December will be lost, misapplied, or wasted, because it will answer as well for the one type of canal as for the other. Who stands sponsor for this statement? The Senator from Ohio [Mr. FORAKER] tells us that he understands that the committee in charge of the bill are agreed on this condition. I have failed as yet to hear any member of that committee offer a guaranty to the Senate that nonaction at this session will produce no effect upon the final determination of the type to be adopted.

Mr. FORAKER. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BLACKBURN. Certainly.

Mr. FORAKER. If the Senator will allow me, I will withdraw the statement I made as to the committee being agreed. I made inquiry of members of the committee. One member of the committee answered for the committee, as I understood it, and no member of the committee took any exception to what he said, and so I supposed it was acquiesced in.

Mr. BLACKBURN. I was not criticising the Senator's statement as unwarranted at all.

Mr. FORAKER. But since the Senator from South Dakota [Mr. KITTREDGE] has made a different statement, and in view of his statement, I will withdraw what I said.

Mr. CARTER. Will the Senator from Kentucky permit me?

Mr. BLACKBURN. I am trespassing upon the time of the Senator from Colorado.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. I yield.

Mr. CARTER. I wish to say to the Senator from Kentucky that my statement was based upon the statement made by the junior Senator from Illinois [Mr. HOPKINS], a member of the committee.

Mr. HOPKINS. Now, will the Senator from Kentucky allow me?

Mr. BLACKBURN. Is it for a question?

Mr. HOPKINS. No; I want to make a statement in connection with what the Senator from Montana has just said; but I will wait until the Senator from Kentucky concludes.

Mr. BLACKBURN. Mr. President, I will be through in a

moment. It seems to me that if we should let this question go over undecided it will simply be in the nature of a motion for a continuance. The original proposition that I submitted, and to which I invite the attention of the Senate, is this: Fairly, by any rule that you may lay down, it is not the President of the United States, but it is the Congress of the United States that is properly charged with the responsibility of determining the question of the type of this canal. If that be true, then I go one step further and submit the other suggestion. In the light of the statement of the Chief Engineer himself, just quoted by the Senator from South Dakota [Mr. KITTREDGE], and in the light of the situation that confronts us, I submit——

Mr. HOPKINS. Mr. President, will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. Certainly.

Mr. HOPKINS. Does the Senator from Kentucky expect, if a vote is taken by the Senate on the question of the type of canal, that that question will be settled by the two Houses before the adjournment of Congress?

Mr. BLACKBURN. I will answer the Senator from Illinois. I might answer, and say that I hope so; but I will not stop with that answer; I will go further, and, in answer to the Senator's question, I will say that whether some other body is to act upon this question before adjournment does not affect the obligations that rest upon a Senator.

Mr. HOPKINS. But suppose the other branch of Congress——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. Certainly.

Mr. HOPKINS. Suppose the other branch of Congress adopts the lock-canal plan, and the Senate stands for one proposition and the House for another——

Mr. BLACKBURN. Very well.

Mr. HOPKINS. Does the Senator expect that Congress will remain in session until the two branches of Congress agree upon one type or the other?

Mr. BLACKBURN. I will answer the Senator and say that, as a Senator, I am not responsible for what another House of Congress may do. As a Senator I am responsible for the discharge, and the faithful and intelligent discharge, of the duties that rest upon a member of this Chamber.

Mr. HOPKINS. But, Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. I should be through in a moment.

Mr. HOPKINS. But give me one moment right there.

Mr. BLACKBURN. Is it a question?

Mr. HOPKINS. Yes, sir.

Mr. BLACKBURN. Very well.

Mr. HOPKINS. Is it not just as much the obligation of a Senator, after the Senate has passed upon the type of the canal, to stay here until that type is settled by legislation as it is——

Mr. BLACKBURN. I will answer that question.

Mr. HOPKINS. As it is to vote on the type without knowing what the other branch of Congress will do?

Mr. BLACKBURN. I hope the Senator will at least let me have the privilege of answering one question before piling up others. But I will undertake to answer all of them, if I have time. I will answer the Senator, and say that he will find that I will not be pressing for an adjournment of this Congress until every effort has been made to complete the work that we owe in the matter of fixing the type of canal. Whether we adjourn on the 1st day of July or the 1st day of October does not matter to me. I have stayed here in the Senate Chamber until September and October in continuous session, and I am perfectly willing and ready to do it again before I will make myself fairly amenable to the criticism that the people of this country will have a right to pass upon us if we quit our post without discharging our duty. If it be true that the obligation of fixing the type of canal rests upon the legislative instead of the executive department, and if it be true, as I believe it is true, as I think the American people believe it is true, and as the Chief Engineer of this canal tells you it is true, that an adjournment of Congress without fixing the type of canal, nonaction upon your part, is affirmative action in favor of a lock and dam canal——

Mr. HOPKINS. What is the authority of the Senator for saying that the Chief Engineer has made that statement?

Mr. BLACKBURN. The Senator from South Dakota [Mr. KITTREDGE] told you so. I read it in the press.

Mr. HOPKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. Certainly.

Mr. HOPKINS. I have not seen that statement, and I read the newspapers as other Senators do. The Chief Engineer may have made that statement, but I should like to have something definite before it is assumed here in the Senate that the Chief Engineer has made a statement of that kind.

Mr. BLACKBURN. The Senator's colleague from South Dakota [Mr. KITTREDGE] told you so.

Mr. HOPKINS. But what is the Senator's authority?

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Maine?

Mr. HALE. I think the Senator from Colorado has the floor.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Maine?

Mr. TELLER. Certainly.

Mr. HALE. I appeal to the Senator from Colorado to allow the Senator from South Dakota who has charge of this bill to submit his proposition to the Senate.

Mr. TELLER. That is what I have been waiting for.

Mr. BLACKBURN. Mr. President, the Senator from Colorado very courteously yielded me the floor, but it seems that several other Senators are a little jealous of the privileges that that courtesy secured me.

Mr. HALE. I do not think anybody wants to interfere with the Senator. He has put his point very clearly; but really the regular order——

Mr. BLACKBURN. Now, is it the province of the Senator from Maine to regulate and limit the extent of the courtesy extended by the Senator from Colorado?

Mr. HALE. No; it is the province of the Senator from Kentucky.

Mr. BLACKBURN. Mr. President, my vanity almost permits me to conclude that the Senate, or some Senators, are very anxious to have me continue, because I have already stated that if I were left alone I would be through in two minutes by that clock, and I want to quit.

Mr. HALE. Let us see how long the Senator will take in quitting.

Mr. BLACKBURN. The Senator from Maine would be more comfortable in his chair. [Laughter.]

Mr. HALE. I do not want to interfere with the Senator from Kentucky, but I think he and I are trying to secure an agreement about the same thing, namely, to fix a time for a vote.

Mr. BLACKBURN. I am sure we are.

Mr. HALE. Yes.

Mr. BLACKBURN. Now, Mr. President, after the very pleasant suggestion made by the Senator from Maine, I am resolved that I will disappoint Senators and I will quit. I only want to add that, for one I am not willing to have the American people complain of a failure of the discharge of a duty as palpable as this appears to me to be. If we do not, if this Chamber does not by a vote before adjournment express its preference as to the type of the canal that is to be constructed, the people will have a right to say—and, in my judgment, the people will say—that we have simply shirked our responsibility, shown ourselves unequal to the duties that devolve upon us, and are at fault. I do not intend to be guilty of that offense.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota [Mr. KITTREDGE]? The Chair hears none, and it is so ordered.

Mr. HOPKINS. As modified?

The PRESIDING OFFICER. As modified by the Senator from Illinois [Mr. HOPKINS].

Mr. SCOTT. I understood the Senator from Colorado had the floor; and I do not see how the proposition could be accepted without his yielding.

Mr. HALE. He has agreed to it.

Mr. TELLER. I yielded to have this thing settled. I understand it is now settled, and that we will vote on Monday.

The PRESIDING OFFICER. The Chair so understands.

Mr. TELLER. I called attention to the fact that it was not likely that any action would be taken by the House, and that it seemed to me we were unduly hastening this matter, when we might vote any time next week, because whether we voted on Monday or Saturday would not make any difference, inasmuch as the House does not intend to take up the bill at the present session. It may be said that we do not know what the other House is going to do; and that was the condition of things some years ago. But to-day, if you know where to inquire, you can find out in advance what the House is going to do or what it is not going to do. The condition is as I stated it, and I think

other Senators all know as well as I do that this matter will remain quietly in the House during the remainder of the session.

Mr. FORAKER. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state his parliamentary inquiry.

Mr. FORAKER. I understand that it was announced from the Chair a moment ago that unanimous consent had been given to vote on this bill on next Monday. I want to say to Senators that I did not agree to vote on next Monday. The Senator from Colorado [Mr. TELLER] was upon the floor, addressing the Senate. He had not quit the floor. I did not know the matter was determined. Other Senators around me were not aware of it. I want to say distinctly and emphatically that I have not agreed, and I do not intend to agree, to vote on the bill on next Monday. Now, I——

Mr. TELLER. I yielded the floor, as is the custom.

Mr. FORAKER. I ask that the request may be again stated, so that we may know whether we are to vote at 3 o'clock on Monday.

Mr. TELLER. It makes no difference whether I yielded the floor or did not, so far as that is concerned. I was not on the floor when the matter was submitted, and I in no wise interfered with the submission of the request. I do not know why the Senator refers to me as having anything to do with it.

Mr. FORAKER. I am not charging the Senator from Colorado with having anything to do with it. The Senator still had the floor. He was being interrupted and was being asked to yield. I did not suppose that in the lull of a moment the request would be submitted and declared agreed to, when disagreement had already been manifested. I do not want to delay this matter, but I am not willing to vote next Monday. I do not know of any necessity for voting so early as Monday. If it could be put off two or three days, it would give a much-needed opportunity to read the testimony. I shall not agree to vote on this measure until I have a chance to look through the testimony given by the distinguished engineers who have been referred to in the speeches made here by Senators on the committee.

The PRESIDING OFFICER. The Chair endeavored to state the request so that every Senator would have a chance to object, and the Chair heard no objection, and so stated.

Mr. FORAKER. Senators are familiar with the way in which a great many matters happen here. Just at that particular moment some Senator spoke to me and my attention was diverted for the moment. I did not know there was any such haste about it.

Mr. KITTREDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. TELLER. I do.

Mr. KITTREDGE. Mr. President, I will ask——

Mr. GALLINGER. Let us have order, Mr. President, so that there shall be no further objection after the agreement is made.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KITTREDGE. I ask that the unanimous-consent agreement be considered open, and that Wednesday afternoon at 3 o'clock be fixed as the time.

Mr. FORAKER. I would rather it would be Thursday, but I will adapt myself——

Mr. KITTREDGE. I will agree to Thursday.

Mr. TELLER (to Mr. KITTREDGE). Give him until Thursday.

Mr. KITTREDGE. I will agree to Thursday.

The PRESIDING OFFICER. The proposed agreement will be stated.

The SECRETARY. That on Thursday, June 21, 1906, at 3 o'clock, the Senate begin voting on the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. HOPKINS. Mr. President, if we are going to adjourn this month, as some Senators seem to indicate, and if we postpone the vote until Thursday, expecting, as the Senator from Kentucky seemed to indicate in his speech, that we shall settle the type of the canal at this session, we are giving the other branch of Congress no time whatever to take up this great problem and consider it and debate it and settle it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. HOPKINS. As I have said, I am personally——

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

Mr. FORAKER. What is the order?

Mr. HALE. Thursday.

The PRESIDING OFFICER. It will again be stated.

The SECRETARY. It is agreed on Thursday, June 21, at 3 o'clock, to begin voting.

Mr. FORAKER. That is, to vote on the bill and all amendments that may be pending?

The PRESIDING OFFICER. The Chair so understands.

Mr. HALE. I submit a privileged report.

The PRESIDING OFFICER. The Senator from Maine presents a conference report, which will be read.

The Secretary proceeded to read the conference report on the diplomatic and consular appropriation bill.

Mr. TELLER. Mr. President, I raise a question of order. I have not yielded the floor. The Senator from Maine did not ask permission of me.

Mr. HALE. I thought, as the other matter was concluded, that the Senator from Colorado had yielded the floor.

Mr. TELLER. No; I have the floor, and I started in to make a speech.

Mr. HALE. I will withdraw the report.

The PRESIDING OFFICER. The Chair was at fault.

Mr. TELLER. I am quite willing to yield, but I want the rule of the Senate followed out. I want the Senator to ask permission of me, and I will yield.

Mr. HALE. I ask the Senator to yield to me to submit two conference reports.

Mr. TELLER. Does the Senator expect to have action upon them, or does he simply ask that they be read?

Mr. HALE. There is no objection to either one of them. One of the reports is signed by the Senator from Colorado.

Mr. TELLER. I have tried for the last half hour to say something, and if it will convenience the Senate more that I should postpone saying what I have to say until to-morrow, I am perfectly willing to do so.

Mr. HALE. I leave that entirely to the Senator.

Mr. TELLER. I ask unanimous consent that I may suspend now and go on in the morning at the first opportunity; and if the Senator from South Dakota would call up the canal bill early in the morning hour, I think it would be well.

### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 37, and 38; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$109,225;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 29, and agree to the same with an amendment as follows: In the last line of said amendment strike out the word "thirty" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the words "and fifty-five;" and the Senate agree to the same.

EUGENE HALE,
S. M. CULLOM,
H. M. TELLER,
*Managers on the part of the Senate.*

R. G. COUSINS,
C. B. LANDIS,
H. D. FLOOD,
*Managers on the part of the House.*

The report was agreed to.

### NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, having

met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 4, 9, 34, 35, 38, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 11, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 53, 54, 57, 58, 59, and 63, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows:

In line 10 of said amendment strike out the colon and insert in lieu thereof a period.

In lines 10, 11, 12, 13, 14, and 15 of said amendment strike out the following: "*Provided*, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: *And provided further*," and insert in lieu thereof as a new paragraph the following:

"That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five members, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving."

In line 17 of said amendment, commencing with the word "That," have a new paragraph; and in lines 17 and 18 of said amendment strike out the words "pay and;" and in line 21 of said amendment strike out the words "pay and."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with amendments as follows: In line 4 of said amendment strike out the words "rank, highest;" and in lines 4 and 5 of said amendment strike out the comma after the word "commander" and the words "and of no higher rank;" and in lines 6 and 7 strike out the words "be appointed from civil life in the manner and at" and insert in lieu thereof the word "receive;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment, after the word "million," strike out the words "three hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "immediately available and to be;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the last line of said amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "graduation," insert the following: "or that may occur for other reasons;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lines 4, 5, and 6 of said amendment strike out the following: "therein according to that held by them respectively when so appointed, if such appointees are officers of the Navy, otherwise;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In said amendment strike out the words "one million" and insert in lieu thereof the words "five hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 76 of the bill, at the end of line 5, insert the following: "But this provision shall not apply to or interfere with contracts for such armor already entered into, signed and executed by the Secretary of the Navy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$33,475,829;" and the Senate agree to the same.

On amendments numbered 2, 6, 7, 13, 32, 33, 37, 55, and 56 the committee of conference have been unable to agree.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
*Managers on the part of the Senate.*

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
*Managers on the part of the House.*

Mr. GALLINGER. Mr. President, I did not very attentively listen to the reading of the report. Perhaps if I had I would not have secured the information I desire. I desire to ask the Senator from Maine whether the amendment which was placed in the bill by the Senate in reference to securing information concerning the great battle ship which was provided for has been agreed to or not.

Mr. HALE. Mr. President, that is a matter which is left open. The Senate conferees have not by any means yielded, and so far as I know do not propose to yield the Senate amendment.

Mr. GALLINGER. I trust, Mr. President——

Mr. BACON. As I understand the matter, this refers to the amendment by which this subject is left until the next session for final determination by Congress.

Mr. HALE. The type of the vessel being entirely vague, the Senate adopted an amendment requiring the Secretary to report at the next session a plan in detail. All the more, the Senate agreed to it, because it is so marked a departure that it is understood and admitted by everybody that it will take from now until December to get the plans in order.

Mr. GALLINGER. Mr. President, I wish to add that having taken some interest in this matter, being a member of the Committee on Naval Affairs, I sincerely trust the conferees on the part of the Senate will insist to the limit on retaining the amendment in the bill.

Mr. WARREN. I wish to ask the Senator from Maine if that is the only amendment in disagreement?

Mr. HALE. No; there are other disagreements, but I think this is perhaps the only one which will give rise to a contest.

Mr. WARREN. I wish simply to express the hope that the Senator will insist and continue to insist upon the amendment.

Mr. HALE. So far as I am concerned, I certainly shall.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. HALE. I move that the Senate further insist upon its amendments, and request a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed as the conferees on the part of the Senate Mr. HALE, Mr. PERKINS, and Mr. TILLMAN.

### ADDITIONAL COLLECTION DISTRICT IN TEXAS.

Mr. HOPKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Add at the end of section 1 the following: "And the charges for the use of said docks and wharves shall be just and reasonable, and shall not be greater than

charges for similar services at other ports of the United States on the Gulf of Mexico;" and the Senate agree to the same.

S. B. ELKINS,
A. J. HOPKINS,
A. S. CLAY,
*Managers on the part of the Senate.*
CHARLES CURTIS,
H. S. BOUTELL,
CHAMP CLARK,
*Managers on the part of the House.*

The report was agreed to.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. PENROSE. I desire to call up the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, if the unfinished business has been disposed of for the day.

Mr. KITTREDGE. I will ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. PENROSE. I now call up the Lake Erie and Ohio River Ship Canal bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. WARREN. Will the Senator from Pennsylvania yield to me to make a report from a committee?

Mr. PENROSE. I yield.

The PRESIDING OFFICER. The Senator has no right to yield for that purpose under the rule.

Mr. PENROSE. Then I ask for the consideration of the ship-canal bill.

Mr. BACON. Mr. President, when the Senate ceased to consider this bill I had the floor, and I presume I would be expected to go on now; but I hope the Senator from Pennsylvania will not insist upon it. I have been here all day long, and am quite weary. The bill can not be finished this evening anyway. I am sure Senators do not want to listen to me at this late hour, and I have as little disposition to be heard at this time. I have been here continuously since 12 o'clock, without any intermission whatever. It would be an imposition upon the Senate, I am sure, for me to attempt to speak now, and it would be disagreeable to me to go on. I am very sure the bill can not be finished this evening. The junior Senator from Wisconsin [Mr. LA FOLLETTE] desires to be heard, and he stated to me that he had conferred with the junior Senator from Pennsylvania [Mr. KNOX], and that he had consented that it should not be concluded to-night. That being the case, I do not know of any particular advantage to be derived in my proceeding this evening. I do not know that I will have very much to say, and I am very sorry I did not have the opportunity to conclude yesterday. It would hardly be fair to go on at this time.

Mr. PENROSE. Of course I do not desire to inconvenience the Senator from Georgia or the Senate. This bill is third on the Calendar. It is one of very great importance to Pennsylvania, West Virginia, Ohio, and twenty-four other States, and the whole country, in my opinion, and it is fairly entitled to early consideration before adjournment. I had hoped that it would be finally disposed of long before this. Still, if the Senator from Georgia makes the request, I will ask unanimous consent——

Mr. BACON. I will say to the Senator that I could have stopped the consideration of the bill at any time yesterday by an objection.

Mr. PENROSE. I know that, and I could also have moved that the Senate proceed to the consideration of the bill, and I think the Senate would have sustained me.

Mr. BACON. I simply stated that to show I have no disposition to interfere with the bill.

Mr. PENROSE. In view of the additional fact that the Senator thinks his remarks will be brief——

Mr. BACON. I do not make any promise, but I think the Senator will not be disappointed in his expectation.

Mr. PENROSE. Those facts lead me to ask unanimous consent of the Senate that this measure may be considered to-morrow, without interfering with the unfinished business and after it has been temporarily laid aside. I make that request.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent——

Mr. BACON. What time?

Mr. PENROSE. I ask unanimous consent that the ship canal bill may be considered, without interfering with anyone desiring to speak on the unfinished business, if any Senator does so desire, after the routine morning business is closed and after the unfinished business is temporarily laid aside.

Mr. BACON. I understand that to be after 2 o'clock.

Mr. PENROSE. If there should be an interval before 2 o'clock, I should like to have the bill taken up.

Mr. BACON. I simply wish to say a word. I have sat here the entire day, hardly taking time for a very hasty luncheon, in order that I might be present if the bill came up. I would very much prefer that the Senator should fix it for some time after 2 o'clock, in order that I may not be compelled to devote my entire time to one matter; and I will certainly consent to any arrangement he may desire, if he will make it subsequent to that time.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. PENROSE. Yes.

Mr. NELSON. I suggest that the Senator ask unanimous consent to take it up after the routine morning business.

Mr. PENROSE. I should like to make that request, but I am informed that the Senator from Colorado [Mr. TELLER] desires to address the Senate after the close of the routine morning business upon the isthmian canal measure.

Mr. NELSON. I did not know that.

Mr. PENROSE. I will modify my request, and ask unanimous consent that the measure be taken up after the unfinished business is temporarily laid aside after the hour of 2 o'clock.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the bill which is now before the Senate be taken up to-morrow after the unfinished business is laid aside temporarily——

Mr. BACON. And after 2 o'clock.

The PRESIDING OFFICER. And after the hour of 2 o'clock. Is there objection? The Chair hears none, and it is so ordered.

ARTILLERY OF THE UNITED STATES ARMY.

Mr. WARREN. I ask unanimous consent to submit a report. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 3923) to reorganize and to increase the efficiency of the artillery of the United States Army, to report it with amendments.

Mr. President, I ask permission to say a few words.

I want to invite the early and careful consideration of Senators to the provisions of the bill, not with the intention of taking it up and disposing of it at this session, but so that Senators may be ready to assist the Military Committee and, for that matter, the country to unravel and reform somewhat a regrettable tangle.

According to the so-called "Endicott Board," the United States Government has been for a number of years appropriating and expending annually large amounts of money on our coast defenses. Every emplacement and gun put in position requires attention after its installment, and if we are ever called upon to use this arm of defense, we must have skilled artillerymen, machinists, electricians, and others trained in the service.

Now, while we have expended and appropriated these large amounts of money, and are going forward from day to day in the expenditure of still further sums, we are not furnishing artillerymen and others to man the guns and to care for them, and the result is that about one-half of our defenses are manless, motionless, and, as a consequence, worthless in case of sudden attack. The best that can now be done for the guns mentioned is to oil, wax, cover with canvas, and bid them good-by. We are installing expensive systems of searchlights, range finders, and a thousand and one modern improvements, all requiring expert knowledge of handling and careful laborious labor in protecting. And yet we have no more skilled men and pay no higher compensation than we used to when we used the obsolete smoothbore muzzle-loading guns and had but few in position. The situation is becoming well-nigh intolerable, and we must, in ordinary decency, in the performance of our public duties either discontinue further appropriations and box up or sack up a part of our present armament, or we must increase the artillery branch of the Army.

In 1901 we added to the duties of the artillery the torpedo defenses, submarine mines, etc., formerly in charge of the engineers; but we have not provided the men or money to care for these, and this adds to the embarrassment and demoralization.

The War Department is, in all its branches, a unit in urging the addition of about 6,000 men to the artillery branch, and also in advancing the pay of certain skilled electricians, engineers, etc., in the artillery. The Military Committee of the Senate is a unit in the support of this increase, but, Mr. Presi-

dent, there are members of the committee who desire to investigate further the practicability of decreasing some other branch of the service in providing for this increase, and the cavalry has been mentioned as the proper arm to be diminished.

I think we should not reduce any other branch, and a majority of the committee share this opinion. Every member, however, of the committee is free, as is every member of this body, to take up and discuss this subject upon its merits, and I earnestly entreat the Congress to give early attention and relief.

I should like to have every Senator make it his business to look into the subject, so that at an early day in the next session we may take up the whole subject and dispose of it.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

LANDS AND FUNDS OF OSAGE INDIANS, OKLAHOMA TERRITORY.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes. I called it up the other day, and the Senator from Wisconsin [Mr. SPOONER] asked that it be laid over in order to make some examination. He has withdrawn his objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. LONG. I renew the request I made the other day, that the formal reading of the bill be dispensed with, that it be read for amendment, and that committee amendments be first considered.

The PRESIDING OFFICER. It will be so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, in section 1, page 2, line 25, after the words "of the," to strike out "introduction of this bill in the House of Representatives, namely, February 21, 1906," and insert "approval of this act;" so as to read:

And the Secretary of the Interior shall have authority to place on the Osage roll the names of all persons found by him, after investigation, to be so entitled, whose applications were pending on the date of the approval of this act.

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word "*Provided*," to strike out the additional proviso in the following words:

*Provided further*, That said list shall contain the names of persons now on the Osage roll heretofore investigated by the Secretary of the Interior and whose right to be on said roll was sustained by him unless new and material evidence is submitted.

The amendment was agreed to.

The next amendment was, in section 2, on page 4, line 12, after the word "then," to strike out "it shall be the duty of the United States Indian agent for the Osages to make such selection for such member or members" and insert "such selection shall be made by the person or persons whom the Secretary of the Interior shall designate;" and in line 18, after the word "Osages," to insert "subject to the approval of the Secretary of the Interior;" so as to read:

And if any adult member fails, refuses, or is unable to make such selection within said time, then such selection shall be made by the person or persons whom the Secretary of the Interior shall designate. That all said first selections for minors shall be made by the United States Indian agent for the Osages, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 6, line 18, after the word "be," to strike out "nontaxable and;" and in line 19, after the word "years," to strike out "and shall be designated as surplus lands" and insert "except as hereinafter provided;" so as to read:

The other two selections of each member, together with his share of the remaining lands allotted to the member, shall be known as "surplus land," and shall be inalienable for twenty-five years, except as hereinafter provided.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the word "of" where it occurs the first time, to strike out "three members" and insert "one member;" in line 6, after the word "and," to strike out "a person" and insert "two persons;" and in line 8, after the words "Indian Affairs," to strike out "and one other person to be selected by" and insert "subject to the approval of;" so as to read:

Sixth. The selection and division of lands herein provided for shall be made under the supervision of, or by, a commission consisting of one member of the Osage tribe, to be selected by the Osage council, and two persons to be selected by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 7, line 25, after the word "and," to strike out "untaxable" and insert "nontaxable;" on page 8, line 6, after the word "competency," to strike out "the lands of such member (except his or her homestead) shall become subject to taxation, and;" and in line 11, after the words "United States," to insert:

And the Secretary of the Interior is hereby authorized, in his discretion, to pay each member all or any part of the funds segregated and placed to the individual credit of such member; and the Secretary of the Interior is hereby authorized and directed to pay any and all taxes upon the surplus land of any member of said tribe so long as any funds remain in the Treasury credited to such member or belonging to such member as his or her pro rata share of any undistributed funds, and such tax shall be paid prior to the time when any penalty accrues or forfeiture occurs under any law of the Territory or State of Oklahoma.

So as to read:

Seventh. That the Secretary of the Interior, in his discretion, at the request and upon the petition of any adult member of the tribe, may issue to such member a certificate of competency, authorizing him to sell and convey any of the lands deeded him by reason of this act, except his homestead, which shall remain inalienable and nontaxable for a period of twenty-five years, or during the life of the homestead allottee, if upon investigation, consideration, and examination of the request he shall find any such member fully competent and capable of transacting his or her own business and caring for his or her own individual affairs: *Provided*, That upon the issuance of such certificate of competency such member, except as herein provided, shall have the right to manage, control, and dispose of his or her lands the same as any citizen of the United States; and the Secretary of the Interior is hereby authorized, in his discretion, to pay, etc.

The amendment was agreed to.

The next amendment was, on page 9, line 16, after the word "division," to strike out "the quarter section of land conforming to the public surveys, near Gray Horse," and insert "10 acres of land near Gray Horse, to be designated by the Secretary of the Interior;" and in line 21, after the word "said," to strike out "quarter section of land" and insert "10 acres;" so as to read:

There shall also be reserved from selection and division 10 acres of land near Gray Horse, to be designated by the Secretary of the Interior, on which are located the dwelling houses of John N. Florer, Walter O. Florer, and John L. Bird; and said John N. Florer shall be allowed to purchase said 10 acres at the appraised value placed thereon by the Osage Allotting Commission, the proceeds of the sale to be placed to the credit of the Indians and to be distributed like other funds herein provided for.

The amendment was agreed to.

The next amendment was, on page 12, line 1, after the word "commission," to insert "subject to the approval of the Secretary of the Interior;" so as to make the proviso read:

*Provided*, That the house known as the chief's house, together with the lot or lots on which said house is located, and the house known as the United States interpreter's house, in Pawhuska, Okla., together with the lot or lots on which said houses are located, shall be reserved from sale to the highest bidder and shall be sold to the principal chief of the Osages and the United States interpreter for the Osages, respectively, at the appraised value of the same, said appraisement to be made by the Osage town-site commission, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the words "nineteen hundred and five," to insert "relating to the Osage Reservation, pages 1061 and 1062, volume 33, United States Statutes at Large;" so as to make the paragraph read:

That the provisions of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes," approved March 3, 1905, relating to the Osage Reservation, pages 1061 and 1062, volume 33, United States Statutes at Large, be, and the same are hereby, continued in full force and effect.

Mr. LONG. On behalf of the committee, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 13, line 10, after the word "to," to strike out the words "the members of;" so as to read:

*Provided*, That the royalties to be paid to the Osage tribe under any mineral lease so made shall be determined by the President of the United States.

The amendment was agreed to.

The next amendment was, in section 3, page 13, at the beginning of line 17, to strike out "United States Indian agent for the Osages" and insert:

Secretary of the Interior: *Provided further*, That nothing herein contained shall be construed as affecting any valid existing lease or contract.

So as to read:

*And provided further*, That no mining of or prospecting for any of said mineral or minerals shall be permitted on the homestead selec-

tions herein provided for without the written consent of the member of the Osage tribe entitled thereto and the approval of the Secretary of the Interior: *Provided further*, That nothing herein contained shall be construed as affecting any valid existing lease or contract.

Mr. LONG. On behalf of the committee, I move, after line 12, after the words "United States," to strike out the two additional provisos beginning on line 13, to the end of the paragraph.

The amendment was agreed to.

Mr. LONG. On behalf of the committee, on page 14, line 1, after the word "as," I move to strike out "hereinafter" and insert "herein;" so as to make the clause read:

SEC. 4. That all funds belonging to the Osage tribe, and all moneys due and all moneys that may become due or may hereafter be found to be due the said Osage tribe of Indians, shall be held in trust by the United States for the period of twenty-five years from and after the 1st day of January, 1907, except as herein provided.

The amendment was agreed to.

The next amendment was, on page 16, to strike out section 5, in the following words:

SEC. 5. That the Secretary of the Interior shall furnish to the Osage tribe of Indians, on or before January 1, 1907, copies of all treaties and a complete record of all transactions of every character between the United States and the said Osage tribe of Indians, and all acts of the United States, or its officials, relating to the Osage Indians or their affairs or interests.

The amendment was agreed to.

The next amendment was, in section (6) 5, page 17, line 1, after the word "interests," to insert "except as hereinbefore provided;" so as to make the section read:

SEC. 5. That at the expiration of the period of twenty-five years from and after the 1st day of January, 1907, the lands, mineral interests, and moneys herein provided for and held in trust by the United States shall be the absolute property of the individual members of the Osage tribe, according to the roll herein provided for, or their heirs, as herein provided, and deeds to said lands shall be issued to said members, or to their heirs, as herein provided, and said moneys shall be distributed to said members, or to their heirs, as herein provided, and said members shall have full control of said lands, moneys, and mineral interests, except as hereinbefore provided.

The amendment was agreed to.

The next amendment was, in section (7) 6, page 17, line 10, after the word "equally," to insert "or to the survivor in case of the death of either;" so as to make the section read:

SEC. 6. That the lands, moneys, and mineral interests herein provided for, of any deceased member of the Osage tribe shall descend to his or her legal heirs, according to the laws of the Territory of Oklahoma, or of the State in which said reservation may be hereinafter incorporated, except where the decedent leaves no issue, nor husband nor wife, in which case said lands, moneys, and mineral interests must go to the mother and father equally, or to the survivor in case of the death of either.

The amendment was agreed to.

The next amendment was, in section (8) 7, line 18, after the word "same," to insert "including the proceeds thereof;" and on page 18, line 1, after the word "the," to strike out "United States Indian agent for the Osages" and insert "Secretary of the Interior;" so as to make the section read:

SEC. 7. That the lands herein provided for are set aside for the sole use and benefit of the individual members of the tribe entitled thereto, or to their heirs, as herein provided; and said members, or their heirs, shall have the right to use and to lease said lands for farming, grazing, or any other purpose not otherwise specifically provided for herein, and said members shall have full control of the same, including the proceeds thereof: *Provided*, That parents of minor members of the tribe shall have the control and use of said minors' lands, together with the proceeds of the same, until said minors arrive at their majority: *And provided further*, That all leases given on said lands for the benefit of the individual members of the tribe entitled thereto, or for their heirs, shall be subject only to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, to strike out section 10, in the following words:

SEC. 10. That the Osage Indian Reservation is hereby made a county, to be known as Osage County, of the Territory of Oklahoma, and that Pawhuska shall be the county seat of said county; and the manner and time of holding the first election of officers for said Osage County shall be provided by the governor of Oklahoma Territory within sixty days after the approval of this act; and the officers elected at said first election shall hold their respective offices like officers in other counties in said Territory and until their successors are provided for at the next general election in said Territory, according to the laws governing elections in other counties in said Territory: *Provided*, That all male persons residing in said Osage County and who have resided therein for at least six months and who are citizens of the United States or members of the Osage tribe of Indians, and who are not otherwise disqualified under the laws of Oklahoma Territory, are qualified electors and shall be competent persons to serve upon all juries in said county, and all juries in and for said county shall be drawn by open venire under the direction of the judge of the district court of said Osage County.

The amendment was agreed to.

The next amendment was, in section (11) 9, page 19, line 9, after the word "and," to strike out "six" and insert "eight;" and in line 17, after the word "council," to insert "and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined;" so as to make the section read:

SEC. 9. That there shall be a biennial election of officers for the Osage tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, said officers to be elected at a general election to be held in the town of Pawhuska, Okla., on the first Monday in June; and the first election for said officers shall be held on the first Monday in June, 1908, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of two years, commencing on the 1st day of July following said election, and in case of a vacancy in the office of principal chief, by death, resignation, or otherwise, the assistant principal chief shall succeed to said office, and all vacancies in the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined.

The amendment was agreed to.

The next amendment was, on page 20, after line 14, to strike out section 15, in the following words:

SEC. 15. That this act shall be of full force and effect if ratified before the 1st day of December, 1906, by a majority of the adult male members of said tribe at the next general election of said tribe, or at an election held for the purpose of voting upon the acceptance or rejection of said act; and the Secretary of the Interior is hereby authorized and directed to make public proclamation that said act shall be voted on at the next general election of said tribe, or at a special election called by said Secretary, under such rules and regulations as he may prescribe. At the said election all male members of said tribe over the age of 21 years qualified to vote under the tribal laws shall have the right to vote at the election precinct most convenient to their residence: *Provided*, That the votes cast at such election shall be forthwith certified to the Secretary of the Interior by the chief and the business committee of said tribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

### TELEPHONE SYSTEM ON ISLAND OF OAHU.

Mr. FORAKER. Mr. President, I ask for the consideration of the bill (S. 4184) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pacific Islands and Porto Rico with amendments.

The first amendment was, on page 2, line 9, after the word "hereby," to insert "amended, and, as amended, is hereby;" so as to read:

That the act of the legislature of the Territory of Hawaii entitled "An act to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited)," approved by the governor of the Territory April 26, 1905, be, and is hereby, amended, and, as amended, is hereby ratified, approved, and confirmed, as follows, to wit:

The amendment was agreed to.

The next amendment was, on page 3, line 6, after the word "limits," to strike out "by aerial, underground, or overhead wires, or;" in line 7, after the word "such," to strike out "other;" and in line 9, after the words "public works," to insert ", or any other official or board having control of the streets and roads where said wires are located, which said officials or boards may, after 1912, at any time that the public interests require it, direct any changes in the method of placing or using said wires that have been or may thereafter be put up or laid that they shall determine to be proper and necessary;" so as to read:

SEC. 2. The said telephone system shall be operated by underground wires within a radius of one-half mile, starting from the north corner of Fort and King streets, and beyond said limits by such means or methods as may be adopted by said company from time to time, with the approval of the superintendent of public works, or any other official or board having control of the streets and roads where said wires are located, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 24, after the word "acquired," to insert: "All franchises thus acquired shall be subject to all the conditions and limitations of this act;" so as to read:

SEC. 3. If the Standard Telephone Company (Limited) shall at any time acquire, by lease or otherwise, the rights, franchises, and property of any person or corporation operating a telephone system on the island of Oahu, all of the rights, privileges, powers, and authority by this act conferred with reference to the occupation of streets, lands, and waters, maintenance and operation of telephone companies, and also all other powers so conferred, are hereby authorized in the maintenance and use of the property so acquired. All franchises thus acquired shall be subject to all the conditions and limitations of this act.

The amendment was agreed to.

The next amendment was, on page 4, line 14, after the words

"public works," to insert "or other officials or boards having charge of said streets or roads;" so as to read:

SEC. 5. The said Standard Telephone Company, before laying its conduits or otherwise disturbing any of the streets or roads of the island of Oahu, shall ascertain the lawful grade of such streets or roads from the superintendent of public works or other officials or boards having charge of said streets or roads, who shall furnish the required information within a reasonable time.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "other," to strike out "officer duly appointed by him" and insert "officials or boards having charge of said streets or roads;" in line 24, after the word "the" where it occurs the third time, to strike out "superintendent of public works" and insert "said authorities;" on page 5, line 6, after the word "works," to insert "or other officials or boards having charge of said streets or roads;" in line 8, after the word "the" where it occurs the second time, to strike out "superintendent of public works" and insert "said officials;" in line 10, after the word "Territory," to strike out the parenthesis mark and the word "or;" in the same line, after the word "county," to strike out the parenthesis mark; in the same line, after the word "county," to insert "or municipality;" in line 13, after the words "public works," to insert "or other officials or boards having charge of said streets or roads;" in line 17, after the word "Territory," to insert "county or municipality which maintains said streets or roads;" and in line 19, after the word "recovered," to strike out "by the said Territory;" so as to read:

The conduits or other equipment of the said company which affect the surface of the public streets or roads shall conform to the grades of said streets or roads on which they are laid down, as furnished by the superintendent of public works or other officials or boards having charge of said streets or roads, and the said Standard Telephone Company shall not in any way change or alter the same without the written consent of the said authorities. And the Territory of Hawaii reserves further the right to change and alter the line and grades of its streets at any time, and the said Standard Telephone Company shall, at their own cost, within sixty days conform to such new lines and grades in reconstructing its surface equipment or conduits upon receiving notice in writng from the superintendent of public works or other officials or boards having charge of said streets or roads, and such changes shall be made subject to the approval of the said officials. And in all cases of street improvements by the Territory, county, or municipality, the said Standard Telephone Company shall conform to all such improvements as directed by the superintendent of public works or other officials or boards having charge of said streets or roads. In case of neglect by said Standard Telephone Company to make such repairs, changes, or improvements required of it by this section, they shall be made by the Territory, county, or municipality which maintains said streets or roads, and the cost of such repairs, changes, and improvements shall be recovered from the said Standard Telephone Company.

The amendment was agreed to.

The next amendment was, on page 8, line 7, after the word "Congress," to insert "All franchises and property thus acquired shall be subject to all the conditions and limitations of this act;" so as to read:

SEC. 12. The said Standard Telephone Company (Limited) shall have the right to take over, either by purchase or lease, any or all of the property, real or personal, rights, privileges, and franchises, of any other telephone company, and shall have, when so acquired, and may exercise all the rights, powers, privileges, and franchises of such company, whether the same be derived by charter, by municipal authority, by act of the legislature of the Territory of Hawaii, or by the United States Congress. All franchises and property thus acquired shall be subject to all the conditions and limitations of this act.

The amendment was agreed to.

The next amendment was, on page 9, line 6, after the word "Territory," to insert "of;" and in line 7, after the word "gross," to strike out "proceeds" and insert "receipts;" so as to read:

SEC. 14. The said Standard Telephone Company (Limited) shall pay to the government of the Territory of Hawaii a tax of 2½ per cent of its gross receipts from and after the expiration of two years from the date of the approval of this act by the Congress of the United States. Such payments shall be made quarterly.

The amendment was agreed to.

The next amendment was, on page 9, line 13, before the word "twelve," to strike out "section" and insert "sections 3 and;" so as to read:

SEC. 15. In case of purchase, lease, or acquirement of the property of any other telephone company, as provided in sections 3 and 12 of this act, by the Standard Telephone Company, then and in that case the tax provided for under section 14 of this act shall be paid to the Territory from the date of such purchase, lease, or acquirement.

The amendment was agreed to.

The next amendment was, on page 11, line 7, after the word "the," where it occurs the second time, to strike out "superintendent of public works" and insert "treasurer of the Territory of Hawaii;" so as to read:

SEC. 19. The entire plant, operation, books, and accounts of said Standard Telephone Company shall at any time be open and subject to the inspection of the treasurer of the Territory of Hawaii or any person appointed by him for the purpose.

The amendment was agreed to.

The next amendment was, on page 11, line 15, after the word "works," to insert "or other proper authority;" in line 16, after the word "therewith," to strike out "said superintendent of public works shall, with the consent of;" and in line 18, after the word "attorney-general," to insert "shall;" so as to read:

SEC. 20. *Forfeiture of franchise.*—Whenever said company refuses or fails to do or perform or comply with any act, matter, or thing requisite or required to be done under the terms of this act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the superintendent of public works or other proper authority to comply therewith, the governor and attorney-general shall cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act, and all rights and privileges granted hereunder, forfeited and declared null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

### PRACTICE OF VETERINARY MEDICINE.

Mr. GALLINGER. I ask for the present consideration of the bill (S. 5698) to regulate the practice of veterinary medicine in the District of Columbia.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, on page 1, line 4, after the word "medicine," to insert "to be appointed by the Commissioners of the District of Columbia;" in line 6, after the word "have," to strike out "a diploma" and insert "graduated;" in line 7, after the word "confer," to strike out "the same, to be appointed by the Commissioners of said District" and insert "degrees;" in line 9, after the word "each," to insert "of whom shall have been;" in the same line, after the word "of," to strike out "the" and insert "said;" in line 10, after the word "District," to strike out "of Columbia;" in line 11, after the word "period," to insert "shall have been;" in line 12, after the word "profession," to strike out "therein" and insert "in said District;" on page 2, line 3, after the word "thereafter," to strike out "each appointment" and insert "appointments;" in line 5, after the word "are," to strike out "necessitated" and insert "occasioned;" in line 8, before the word "judgment," to strike out "exclusive;" and in line 10, before the word "notice," to insert "due;" so as to make the section read:

That there be, and is hereby, created a board of examiners in veterinary medicine, to be appointed by the Commissioners of the District of Columbia, which shall consist of five reputable practitioners of veterinary medicine, who shall have graduated from some college authorized by law to confer degrees, each of whom shall have been a bona fide resident of said District for three years last past before appointment, and each, during said period, shall have been actively engaged in the practice of his profession in said District. The appointments first made shall be one for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter appointments shall be for a period of five years, except such as are occasioned by death, resignation, or removal, in which cases the appointments shall be for the remainders of the unexpired terms: *Provided*, That the said Commissioners may, in their judgment, remove any member of said board for neglect of duty or other sufficient cause, after due notice and hearing.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 13, after the word "necessary," to strike out "*Provided, however*, That the health officer of the District of Columbia for the time being shall be an ex officio secretary of said board, and;" in line 16, before the word "shall," to insert "The secretary of said board;" in line 20, before the word "shall," to strike out "to aforesaid secretary;" in line 24, before the word "shall," to strike out "said board;" on page 3, line 3, after the word "licenses," to strike out "to practice veterinary medicine in the District of Columbia;" in line 4, after the word "which," to insert "register;" in line 5, after the word "each," to strike out "candidate" and insert "applicant;" in line 6, before the word "spent," to strike out "he or she;" in line 9, after the word "lectures," to strike out "of medicine;" and in line 16, after the word "board," to strike out "hereby created;" so as to make the section read:

SEC. 2. That the said board of examiners in veterinary medicine shall elect a president, vice-president, secretary, and such other officers as shall be necessary. The secretary of said board shall have power to administer oaths or affirmations upon such matters as pertain to the business of said board, and any person willfully making any false oath or affirmation shall be deemed guilty of perjury; and said board shall make, alter, or amend, subject to the approval of the Commissioners of the District of Columbia, such rules and regulations as may be necessary to carry into effect the provisions of this act, and shall hold such meetings as shall be necessary for the transaction of

business, and shall issue all licenses to practice veterinary medicine in the District of Columbia. Said board shall keep an official record of its meetings, and also an official register of all applicants for licenses, which register shall show the name, age, place, and duration of residence of each applicant, the time spent in the study of veterinary medicine, in and out of medical schools, and the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures, and it shall also show whether said applicant was rejected or licensed under this act, and said register shall be prima facie evidence of all matters contained therein. The Commissioners of the District of Columbia shall have power to require any or all officers of said board to give bond to the District of Columbia in such form and penalty as they may deem proper. The said board shall in the month of July in each year submit to said Commissioners a full report of its transactions during the twelve months immediately preceding.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 22, before the word "desire," to insert "shall;" on page 4, line 2, after the word "shall," where it occurs the second time, to strike out "comply therewith and;" in line 4, before the word "diploma," to strike out "veterinary;" in line 5, before the word "college," to insert "veterinary;" in line 7, before the word "sessions," to strike out "and requiring two or three" and insert "which college shall require at least two;" in line 9, after the word "such," to strike out "diplomas" and insert "diploma;" and in line 11, after the word "evidence," to strike out "of practice of" and insert "that they have practiced;" so as to read:

SEC. 3. That from and after the passage of this act all persons desiring to practice veterinary medicine or any branch thereof in the District of Columbia, or who shall desire to hold themselves out to the public as practicing veterinary medicine or any branch thereof in the District of Columbia, shall make application to said board of examiners in veterinary medicine for a license so to do. Application for this purpose shall be upon a form furnished by said board, and shall be accompanied by satisfactory evidence of good moral character, and by a diploma from some veterinary college authorized by law to confer the same, which college shall require at least two sessions of study of veterinary medicine of not less than six months each prior to the issue of such diploma, and graduates of two-year colleges shall accompany their diplomas by satisfactory evidence that they have practiced veterinary medicine for five years last past subsequent to the issue of such diplomas, and by a fee of $10, except as herein otherwise directed, and from the fund thus created, the board shall pay such necessary expenses as it may incur.

The amendment was agreed to.

The next amendment was, on page 5, line 5, before the word "April," to insert "January;" in the same line, after the word "July," to insert "and;" in the same line, after the word "October," to strike out "and January;" in line 8, before the word "may," to insert "examinations;" and in line 9, after the word "said," to strike out "Commissioners," and insert "board shall;" so as to read:

Such expenses shall not exceed in any one fiscal year the amount of fees collected during that period, but if any balance remain after paying all such expenses the Commissioners of said District shall authorize the payment therefrom to the members of said board for their services of such amounts as said Commissioners deem proper. Said board shall, by means of examinations, ascertain the professional qualifications of all applicants for license to practice veterinary medicine in said District, and shall issue such licenses to all who are found by such examinations to be, in the judgment of said board, competent to so practice; and no such license shall be issued to any person who has not so demonstrated his competence, except as hereinafter otherwise provided. Such examinations shall be held in January, April, July, and October of each year, and shall include all such subjects as are ordinarily included in the curricula of veterinary colleges in good standing, but examinations may be held at such other times and include such other subjects as said board shall authorize and direct. Said board shall number consecutively all applications received, note upon each the disposition made of it, and preserve the same for reference, and shall number consecutively all licenses issued.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 7, before the word "and," to strike out "maintains" and insert "who has maintained;" in line 9, after the word "before," to strike out "the date of;" in line 21, after the word "medicine," to strike out "to said board of veterinary examiners;" in the same line, after the word "as," to strike out "and existing" and insert "a;" and in line 23, after the word "practitioner," to insert "of veterinary medicine;" so as to make the section read:

SEC. 5. That any person who has received a diploma from a veterinary college lawfully authorized to confer the same and who has maintained an office for the practice of veterinary medicine in the District of Columbia on or before the passage of this act, upon submission of proof of such facts to the board of examiners in veterinary medicine and the payment of a fee of $1, shall be licensed by said board to practice veterinary medicine in the District of Columbia without examination. Any person, not a graduate of a college lawfully authorized to confer a degree in veterinary medicine, who has been continuously engaged in the practice of veterinary medicine in the District of Columbia for five years previous to the passage of this act and has maintained an office in said District for that purpose shall be permitted to present himself for examination before the board of veterinary examiners without fee, and upon proof of satisfactory knowledge of veterinary medicine shall be registered and licensed as a practitioner of veterinary medicine.

The amendment was agreed to.

The next amendment was, in section 6, page 7, line 1, after the word "examination," to insert "may;" in line 2, before the word "appeal," to strike out "may;" in line 5, before the word "forth," to strike out "set" and insert "setting;" in the same line, before the word "accompanied," to strike out "be;" in line 8, before the word "board," to strike out "an appeal" and insert "a;" in line 11, before the word "shall," to insert "board;" in line 13, before the word "findings," to strike out "review or;" in line 17, after the word "said," to strike out "appeal;" in line 18, after the word "board," to insert "of review;" and in line 21, after the word "examiners," to insert "If favorable, the amount deposited shall be returned to the appellant;" so as to make the section read:

SEC. 6. That any person having been examined by said board of examiners in veterinary medicine and having been refused a license as the result of such examination may, within thirty days after formal notification of such refusal appeal from the decision of said board. Such appeal must be in writing, addressed to the Commissioners of said District, setting forth the ground upon which it is based, and accompanied by a deposit of $30. If, after examination of said appeal, said Commissioners deem it proper, they shall appoint a board of review, consisting of three practioners of veterinary medicine having qualifications similar to those required of members of the regular board of examiners in veterinary medicine, which board shall review the examination of appellant, and if they deem necessary reexamine him and report their finding to said Commissioners; and such finding shall be final and binding upon all parties concerned, and if favorable to the appellant the board of examiners in veterinary medicine shall issue to him a license to practice veterinary medicine in said District. Each member of said board of review shall be paid a fee of not more than $10 for each candidate examined, payment to be made from the deposit of the appellant if the finding is adverse to him, but otherwise from the funds of the board of examiners. If favorable the amount deposited shall be returned to the appellant.

The amendment was agreed to.

The next amendment was, in section 7, page 8, line 3, after the word "practice," to strike out "veterinary medicine;" so as to make the section read:

SEC. 7. That every person practicing veterinary medicine in the District of Columbia, or representing himself or permitting himself to be represented as so practicing, shall display or cause to be displayed conspicuously in his usual place of business his license to practice in said District. Said place of business shall, during all reasonable hours, be open to inspection by any representative of the police department or of the board of examiners in veterinary medicine of said District, so far as may be necessary to examine such licenses, and it shall be unlawful for any person to interfere with any inspection made or intended to be made for this purpose.

The amendment was agreed to.

The next amendment was, in section 9, page 9, line 8, before the word "within," to strike oue "meet patients or receive calls" and insert "do business," so as to make the section read:

SEC. 9. That this act shall not apply to veterinary surgeons in the Army or in the employ of the Agricultural Department who are graduates of regular veterinary colleges, nor to regularly licensed veterinarians in actual consultation from other States, nor to regularly licensed veterinarians actually called from other States to attend cases in the District of Columbia, but who do not open an office or appoint a place to do business within said District.

The amendment was agreed to.

The next amendment was, in section 10, page 9, line 16, after the word "license," to strike out "provided for in this act;" in line 17, before the word "conviction," to strike out "on;" in line 20, after the word "for," to insert "any of;" and in line 22, after the word "provided," to strike out "in this act," so as to read:

That the board of examiners in veterinary medicine hereby created may, by a vote of four members, revoke or suspend for a time certain the license of any person to practice veterinary medicine or any branch thereof in the District of Columbia after notice and hearing, for any of the following causes, namely: The employment of fraud or deception in passing the examinations or in obtaining a license, chronic inebriety, or conviction of crime involving moral turpitude. The method of complaint, form and length of notice, and time of hearing charges against any licensee for any of the above causes shall be according to the rules and regulations to be made, subject to the approval of said Commissioners, as hereinbefore provided. Appeal from the decision of said board may be taken to the court of appeals of the District of Columbia, and the decision of said court shall be final.

The amendment was agreed to.

The next amendment was, in section 12, page 10, line 17, before the word "one," to strike out "some;" so as to make the section read:

SEC. 12. That it shall be the duty of the corporation counsel or one of his assistants to prosecute all violations of the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID ROBERTSON.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 4089) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in consequence of the long, faithful, and meritorious services in the United States Army of David Robertson, sergeant, first class, Hospital Corps, for a period of over fifty years in the same grade, the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to place said David Robertson on the retired list of the United States Army with the full pay and allowances of the grade held by him at the date of such retirement.

Mr. BULKELEY. Mr. President, in lieu of that amendment, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed, in lieu of the amendment of the committee, to insert the following:

That in consequence of the long, faithful, and meritorious services in the United States Army of David Robertson, sergeant, first class, Hospital Corps, for a period of fifty years in the same grade, the Secretary of War be, and he is hereby, authorized to place said David Robertson on the retired list of enlisted men of the Army with full pay of his grade and commutation of allowances at the following rates per month: Clothing, $4.56; rations, $30, and fuel and quarters, $20.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR PUBLIC BUILDING AT GREAT FALLS, MONT.

Mr. CLARK of Montana. I ask unanimous consent for the present consideration of the bill (S. 544) to provide for the erection of a public building in the city of Great Falls, Mont.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 4, after the word "exceeding," to strike out "twenty," and insert "fifteen;" in line 6, after the word "site," to strike out "and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus;" and in line 10, after the word "Montana," to strike out "the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $300,000;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, at a cost not exceeding $15,000, by purchase, condemnation, or otherwise, a site for the use and accommodation of the United States post-office and other Government offices in the city of Great Falls and State of Montana.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to strike out the remainder of the bill, as follows:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all maps, statements, plats, or documents taken by or submitted to them in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossd for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site for a public building in the city of Great Falls, Mont."

JOHN A. MERONEY.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill (H. R. 3997) for the relief of John A. Meroney.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John A. Meroney, of Giles County, Tenn., late a member of Company D, Twelfth Regiment Tennessee Volunteer Cavalry, $150 for a horse taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SPOONER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 15, 1906, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *June 14, 1906.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., delivered the following prayer:

We bless Thee, O God, our heavenly Father, for the spirit of '76 which moved our fathers to high and holy resolves, illustrious deeds, and glorious achievements, which gave to us a government of the people, by the people, and for the people, and for the old flag which they carried to victory on a thousand fields of battle, dear to every American heart, emblem of liberty and freedom, law and order, peace and good will. God grant that it may wave on in triumph until every people of every clime shall feel its influence and rest secure in their sacred rights under its graceful and protecting folds, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

DAILY HOUR OF MEETING.

Mr. PAYNE. Mr. Speaker, I offer a resolution which I send to the Clerk's desk, and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from New York offers a resolution and asks unanimous consent for its present consideration. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved*, That for the remainder of this session, unless otherwise ordered, the daily hour of meeting of the House of Representatives shall be 11 o'clock a. m.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

H. G. CLEMENT.

Mr. CASSEL. Mr. Speaker, I offer the privileged resolution (No. 564), from the Committee on Accounts, which I send to the Clerk's desk.

The SPEAKER. The Clerk will read:

The Clerk read as follows:

*Resolved*, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to H. G. Clement the sum of $100, being the amount of clerk-hire allowance due the late Representative Robert Adams, jr., and on account of clerical services rendered by said Clement during the month of May, 1906.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

ROBERT RICHARDSON.

Mr. CASSEL. Mr. Speaker, I also offer a privileged resolution (No. 569), which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That the Clerk of the House is hereby authorized to pay to the widow of Robert Richardson, late an employee in the bathroom of the House of Representatives, a sum equal to six month's pay, at the rate of compensation he was receiving at the time of his death; and a further sum, not exceeding $250, for funeral expenses, said amount to be paid out of the contingent fund.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

CLERK FOR COMMITTEE ON IRRIGATION.

Mr. CASSEL. Mr. Speaker, I desire to offer a privileged resolution (No. 435), which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That the chairman of the Committee on Irrigation of Arid Lands is hereby authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $2,000 per annum from and after July 1, 1906, unless otherwise provided for by law; and the Committee on Appropriations is hereby